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## ROANOKE CITY COUNCIL

November 21, 2005

12:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, November 21, 2005, at 12:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37109-070505 adopted by the Council on Tuesday, July 5, 2005, and Resolution No. 37238-110705 adopted by the Council on Monday, November 7, 2005.

PRESENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, M. Rupert Cutler and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Brian J. Wishneff -----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

OTHERS PRESENT: Congressman Bob Goodlatte; Peter Larkin, District Director for Congressman Goodlatte; Troy A. Harmon, Municipal Auditor; Mary F. Parker, City Clerk; Stephanie M. Moon, Deputy City Clerk; Rolanda B. Russell, Assistant City Manager for Community Development; Faye T. Gilchrist, Assistant to the City Manager; and Larry Brown, Public Information Officer.

The Mayor advised that the purpose of the meeting was to meet with Congressman Bob Goodlatte to discuss matters of mutual interest and concern to the City of Roanoke.

The City Manager introduced Faye Gilchrist, Assistant to the City Manager, who previously served as Accreditation Coordinator in the Police Department; prior to becoming a City employee, she worked for the Department of Juvenile Justice; and she holds a bachelor's degree in Psychology from the University of North Carolina at Chapel Hill.

COUNCIL-LEGISLATION: On behalf of the Members of Council, the Mayor welcomed Congressman Goodlatte and Mr. Larkin to the meeting, and expressed appreciation for Congressman Goodlatte's assistance in connection with the City's flood reduction project.

The following is a summary of Congressman Goodlatte's remarks:

- He will continue to monitor developments related to Interstate 73 (\$2.2 million in transportation equity and right-of-way acquisition).
- He will continue to monitor the Roanoke River Flood Reduction Project, including funding and greenway components (total of \$10 million secured).
- He will continue to monitor all developments related to improvements to Interstate 81 (\$141.5 million in surface transportation reauthorization for improvements, and \$900,000.00 in Transportation Equity Act funding for variable message boards).
- He will continue to monitor developments with regard to keeping the Social Security Administration offices in downtown Roanoke.
- \$418,000.00 was included in the Transportation Equity Act for the Virginia Railway Station.
- \$208,000.00 was included in the Transportation Equity Act for the Commonwealth Coach and Trolley Museum.
- \$208,000.00 was included in the Transportation Equity Act for the Roanoke Passenger Station.
- He will continue to monitor the Heartland Corridor Project, particularly as it relates to a possible Roanoke Valley Intermodal Facility (\$130 million in surface transportation reauthorization for corridor, and \$200,000.00 in the Transportation Equity Act for an intermodal facility).
- He supported the City's successful application for Justice Department "COPS: funds for an interoperable communications system with localities in the region (\$866,000.00 grant).

- He will continue to be available with regard to any opportunity to promote the qualities of the Roanoke area for the purpose of economic development.

With regard to eminent domain, Congressman Goodlatte advised that he will introduce legislation that will address the Supreme Court's decision in *Kelo vs. City of New London*, which is a controversial court decision. He added that the bill will discourage state and local governments from invoking eminent domain power to obtain private property for private commercial development. Congressman Goodlatte stated that several members of the Congress are concerned about the Supreme Court's decision, as well as some earlier Supreme Court rulings, because the decision gave local governments broad power to seize property under the guise of "economic development" to generate tax revenue, and the decision threatened every home, business, farm or other private land. He further stated that traditional uses of eminent domain by local and state governments are completely preserved, such as schools, roads, buildings, etc.; and most modern uses where local government contracts with a private entity are acceptable as long as the uses are for public purposes, which are clearly defined, and all other public uses are provided for in the Constitution.

Since the House Bill has already passed, Congressman Goodlatte stated that any input would be shared with Senators John Warner and George Allen, as well as other Senators who serve on key committees. He added that the intent is not to overturn the Supreme Court decision, but to state that the Supreme Court has ruled, and if localities act under the rights of the Supreme Court, they should be aware that Federal funds could be denied.

Council Member Cutler inquired if eminent domain would affect the Western Virginia Water Authority; whereupon, Congressman Goodlatte responded that eminent domain would only affect the Water Authority only if the Authority attempts to do something that is not for public use.

Council Member Cutler also inquired about forest service, or aid to farmers that would relate to the City's water quality through grants to farmers or assistance to landowners with respect to protecting forestry land, terrain along streams, or other aspects of watershed conservation that would protect normal water. Congressman Goodlatte advised that the last Farm Bill moved in the direction of providing greater funding for agriculture and civil culture conservation; and it is expected that the next farm bill, which will be written in 2007, will continue to move in the same direction due to the need to provide assistance and to remain competitive internationally.

Council Member Dowe inquired about updates with regard to the Blue Ridge Parkway; whereupon, Congressman Goodlatte called attention to several local issues with regard to the Parkway, such as certain efforts at Explore Park which are currently underway. He stated that it should be duly noted that access to Explore Park is on Federal land and Parkway officials will have major input on the character of the land if it is to maintain access. He stated that some of the suggested development ideas are appropriate, and if the spur remains open, he would like to see Explore Park in a better financial condition.

Vice-Mayor Fitzpatrick called attention to the lack of maintenance to the crossover to the Blue Ridge Parkway on Route 220 South toward the Clearbrook area in Roanoke County, and asked if the Department of the Interior plans to paint the bridge in the near future. If not, he inquired if the City of Roanoke and Roanoke County could use its resources to enhance the appearance of the crossover. Congressman Goodlatte advised that he would discuss the matter with Parkway officials and report his findings to Council.

Council Member Dowe inquired about the role of the Federal government with regard to art culture in the Roanoke Valley, specifically the Arts Museum, with respect to certain sporting organizations in southwestern Virginia. Congressman Goodlatte advised that he recognizes the importance of having minor league sports in the Roanoke Valley and is willing to be of assistance whenever necessary.

With regard to the Arts Museum, Congressman Goodlatte stated that the Federal government has provided financial support through tax credits to support several cultural organizations in the Roanoke Valley throughout the years. He indicated that approximately \$3 million in Federal support has been provided for the O. Winston Link Museum and the Roanoke Valley Convention and Visitors Bureau; the Arts Museum has received approximately \$1.2 million in Federal funds which is a small percentage of the \$40 million project; and he would continue his efforts to support the projects.

Congressman Goodlatte stated that the Dumas Center received \$500,000.00 in 2004 and will receive another \$200,000.00 in Federal funds in 2005, matched with donations by State and local government support.

The City Manager called attention to air service at the Roanoke Regional Airport and advised that the City of Roanoke is the only locality or region that has not received a Federal grant for air service, yet the City continues to submit regular applications; and while the City has been fortunate to not lose additional air service, the City recognizes that its competitiveness on the economic development front is limited due to the lack of a low cost air carrier and the right service connections.

The City Manager stated that the City is willing to work with government officials regarding the Social Security Administration Office building; and the General Services Administration is seeking a location for the new DEA facility, and certain requirements and restrictions make it impossible to locate the facility in a downtown location in the City of Roanoke. She added that the need for security, given the nation's experience during the past several years is understood, however, it appears that some of the concerns could be considered to be "overkill" in terms of expectations since DEA offices have been located in the downtown area for several years. She explained that downtown locations are important for certain types of activities, such as their proximity to the courts and other law enforcement organizations and agencies that benefit from various forms interaction.

Congressman Goodlatte advised that he would investigate the matter and serve as an interface with the DEA on potential locations in the City of Roanoke. With regard to air transportation, he stated that securing a low cost carrier for the Roanoke Valley has been a major challenge, and he is willing to continue to work with the City.

There being no further discussion and/or comments by the Members of Council, the Mayor expressed appreciation to Congressman Goodlatte for his efforts on behalf of the City of Roanoke.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to §2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Cutler moved that Council concur in the request of the Mayor to convene in Closed Meeting as abovedescribed. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Dowe, Lea, McDaniel and Mayor Harris-----6.

NAYS: None -----0.

(Council Member Wishneff was absent.)

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel regarding pending litigation where such consultation in open session would adversely affect the City's negotiating or litigating posture, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request of the City Attorney to convene in Closed Meeting as abovedescribed. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Dowe, Lea, McDaniel and Mayor Harris-----6.

NAYS: None -----0.

(Council Member Wishneff was absent.)

At 1:25 p.m., the Mayor declared the Council meeting in recess to be immediately reconvened in Closed Session in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building.

At 2:05 p.m., the meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building.

COUNCIL: With respect to the Closed Session just concluded, Vice-Mayor Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Cutler, Fitzpatrick, Dowe, Lea, McDaniel and Mayor Harris-----6.

NAYS: None -----0.

(Council Member Wishneff was absent.)

Council Member Wishneff entered the meeting.

OATHS OF OFFICE-HUMAN DEVELOPMENT-COMMITTEES: The Mayor advised that the four year term of office of Cheri W. Hartman as a member of the Human Services Advisory Board will expire on November 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Cheri W. Hartman.

There being no further nominations, Ms. Hartman was reappointed as a member of the Human Services Advisory Board, for a term of four years ending November 30, 2009, by the following vote:

FOR MS. HARTMAN: Council Members Cutler, Fitzpatrick, Dowe, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE: The Mayor advised that the three year term of office of Robert Williams, Jr., as a member of the Blue Ridge Behavioral Healthcare Board of Directors will expire on December 31, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Robert Williams, Jr.

There being no further nominations, Mr. Williams was reappointed as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term of three years ending December 31, 2008, by the following vote:

FOR MR. WILLIAMS: Council Members Cutler, Fitzpatrick, Dowe, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-ZONING-COMMITTEES: The Mayor advised that the three year terms of office of William D. Poe, Diana B. Sheppard and Joseph F. Miller as members of the Board of Zoning Appeals will expire on December 31, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Vice-Mayor Fitzpatrick placed in nomination the names of William D. Poe, Diana B. Sheppard and Joseph F. Miller.

There being no further nominations, Mr. Poe, Ms. Sheppard and Mr. Miller were reappointed as members of the Board of Zoning Appeals, for terms of three years each, ending December 31, 2008, by the following vote:

FOR MR. POE, MS. SHEPPARD AND MR. MILLER: Council Members Cutler, Fitzpatrick, Dowe, Lea, McDaniel, Wishneff and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-CABLE TELEVISION: The Mayor advised that there is a vacancy on the Roanoke Valley Regional Cable Television Committee, created by expiration of the term of office of Delvis O. McCadden; whereupon, he opened the floor for nominations to fill the vacancy.

Vice-Mayor Fitzpatrick placed in nomination the name of Carla Terry.

There being no further nominations, Ms. Terry was appointed as a member of the Roanoke Valley Regional Cable Television Committee, for a term ending June 30, 2008, by the following vote:

FOR MS. TERRY: Council Members Cutler, Fitzpatrick, Dowe, Lea, McDaniel, Wishneff and Mayor Harris-----7.

At 2:07 p.m., on Monday, November 21, 2005, the regularly scheduled 2:00 p.m. session of the Council convened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

DECEASED PERSONS-CITIZEN OF THE YEAR: Council Member Dowe offered the following resolution memorializing the late George F. Pollash, former 1989 Citizen of the Year:

(#37239-112105) A RESOLUTION memorializing the late George F. Pollash, a longtime resident of the Roanoke Valley and Citizen of the Year in 1989.

(For full text of resolution, see Resolution Book No. 70, Page 59.)

Council Member Dowe moved the adoption of Resolution No. 37239-112105. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

The Mayor called for a moment of silence in memory of Mr. Pollash and presented a ceremonial copy of the abovereferenced resolution to Mrs. Pollash.



VIRGINIA AMATEUR SPORTS/COMMONWEALTH GAMES: Peter Lampman, President, Virginia Amateur Sports, Inc., presented the following report on the economic impact to the City of Roanoke from the Virginia Commonwealth Games and the National AAU 15 Under Baseball Tournament which was hosted by Virginia Amateur Sports on July 29, 2005 - August 5, 2005, including demographics of athletes that participated. He advised that over the past 16 years, approximately 134,000 athletes have competed in the event which has come to be known as Virginia's Olympics.

VIRGINIA AMATEUR SPORTS  
2004-2005 ECONOMIC IMPACT

Tourism in Virginia

Tourism is a \$13 billion per year industry in Virginia  
 Tourism is a \$1 million per day industry in the Roanoke Valley  
 Each dollar spent on tourism marketing returns \$4-\$6 in tax revenues

Commonwealth Games of Virginia

1. Number of athletes that stayed overnight	3,521
2. Number of spectators that stayed overnight (1:2 ratio)	7,042
3. Average length of stay	2.20 days
4. Estimated average daily expenditures	\$150
5. Estimated overnight expenditures (1 + 2 x 3 x 4)	\$3,485,790
6. Number of day athletes	3,341
7. Number of day spectators (1:2 ratio)	6,654
8. Number of day volunteers	1,200
9. Estimated average daily expenditures	\$30
10. Estimated daily expenditures (6+7 +8 x 9)	\$335,850
11. Estimated total visitor expenditures (10 + 5)	\$3,821,640

AAU 15 UNDER NATIONAL BASEBALL TOURNAMENT

1. Number of Teams	24
2. Number of players, coaches, spectators	1020
3. Average length of stay	8 days
4. Estimated average daily expenditures	\$150
5. Estimated total visitor expenditures (1,020 visitors x \$150 daily expenditures x 8 days)	\$1,224,000

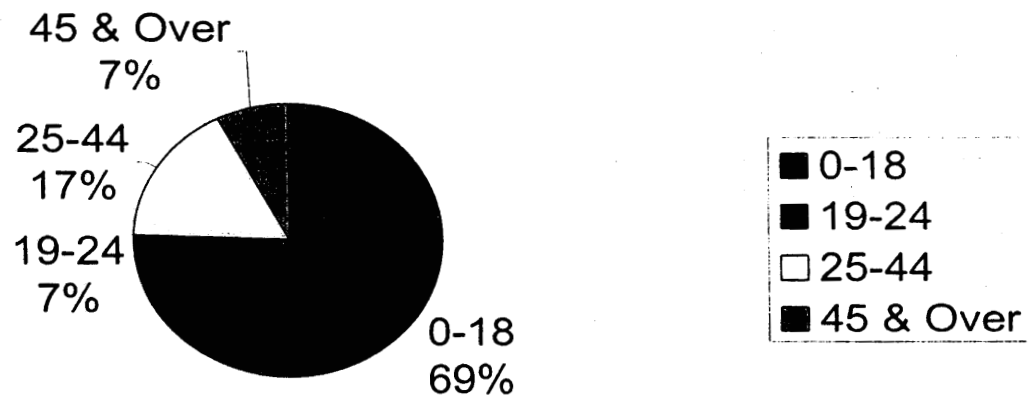
**TOTAL ECONOMIC IMPACT FOR THE  
COMMONWEALTH GAMES & NATIONAL TOURNAMENT**  
**\$5,045,640**

2005  
Commonwealth Games of Virginia  
Estimated Regional Distribution

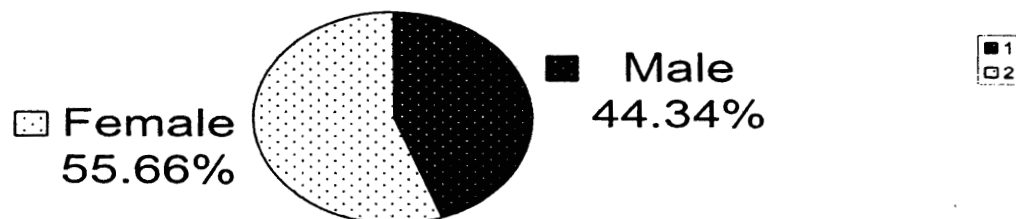


Roanoke Valley: City of Roanoke, City of Salem, Roanoke County, Vinton  
 West: Bristol, Martinsville, New River Valley  
 Central: Charlottesville, Lynchburg, Farmville, Staunton  
 North: Winchester, Culpeper, Harrisonburg, Northern VA  
 East: Chesapeake, Norfolk, Richmond, Fredericksburg, Virginia Beach  
 Other: DC, MD, NC, NJ, OH, PA, TN and WV

## 2005 Estimated Age Distribution



## 2005 Estimated Gender Distribution



CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of Council held on Monday, October 3, 2005, and Monday, October 17, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE: A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending Council's concurrence in the reappointment of Linda H. Bannister as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term commencing January 1, 2006, and ending December 31, 2008, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the recommendation. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-HOUSING/AUTHORITY: A communication from Sherman V. Burroughs, IV, tendering his resignation as a member of the Fair Housing Board, was before the Council.

Vice-Mayor Fitzpatrick moved that Council accept the resignation and receive and file the communication. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-BUILDINGS/BUILDING DEPARTMENT-COMMITTEES-ROANOKE CIVIC CENTER: A report of qualification of the following persons, was before Council:

Reginald P. Church as a member of the New Construction Code, Board of Appeals, for a term ending September 30, 2010; and

John W. Elliott as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2008.

Vice-Mayor Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

YOUTH-TEEN PREGNANCIES: Brooks Michael, Teen Pregnancy Prevention Coordinator, presented the following information on the Roanoke Teen Pregnancy Prevention Projects. (Virginia Department of Health Teen Pregnancy Prevention Project (TPPP).)

- Health Teen Pregnancy Prevention
  - Phase I of the VDH TPPI began in 1993 with the appropriation of \$600,000.00 in general funds for the purpose of establishing three pilot TPP programs.
  - In 1995, VDH obtained matching Federal dollars, establishing a fund of \$1.4 million for an additional four TPPP sites in which Roanoke was one, making a total of seven TPPP sites in Virginia.
  - In 2002-03, the Virginia TPPI lost 38 per cent funding and is now solely funded through TANF.

- **Roanoke's Success**

- Seven TPPP sites exist in Virginia. Of all seven sites, the Roanoke Health District has experienced the most significant decrease in its teen pregnancy rate, an average of 6.8 per cent decrease per year over the last nine years.
- The teen pregnancy rate for Roanoke City was 71.8 per 1,000 females in 1996; the 2004 rate is 39.4 per 1,000 females.
- The decrease from 2003 to 2004 was most significant in that the rates went down almost ten per cent in one year.
- Roanoke TPPP is the only TPPI site that has consistently evaluated program effectiveness which is due to the funding and support received by Roanoke City.

- **The Cost of Teen Pregnancy**

- The effect of teen pregnancy on Roanoke City can be viewed as having health, social and economic consequences that effect the entire community. Teen parents are more likely to:
  - Need public assistance
  - Never complete high school
  - Have fewer employment skills
  - Abuse and/or neglect their children
- Babies born to teen parents are at greater risk for:
  - Premature birth and low birth weight
  - Birth defects
  - Lower IQ
  - Learning and Emotional Disabilities
- Nationally, approximately \$7 billion are spent on the consequences of teen pregnancy.

- **Roanoke's Teen Pregnancy Prevention Program**

- **For Males Only (FMO)**

FMO is a curriculum-based program that empowers young males with the knowledge and skills to make responsible decisions.

FMO enrolls teenagers ages 12-19, and has been successfully used to educate young men in Roanoke since 1996.

Due to the local success of the FMO program, it is now being replicated in Norfolk, Virginia. The program is called Reducing Adolescent Pregnancy and is housed within the Norfolk Health Department.

98 per cent of participants were not involved in a pregnancy in 2004-2005. Participants were unanimous in feeling that the program should be expanded so that all male students could participate.

➤ Teen Outreach Program (TOP)

TOP is a nationally recognized model for providing a youth development approach to teen pregnancy prevention, highlighted as one of the most effective programs in the U. S. for teen pregnancy prevention by Dr. Douglas Kirby (Emergency Answers, Dr. D. Kirby 2001).

TOP is implemented in both schools and in after-school programs. TOP focuses on broader reasons why teens get pregnant or the cause of pregnancy such as disadvantaged families and communities, detachment from school, and lack of close relationships with parents or other caring adults.

Research suggests that teens who are doing well in school and have educational and career plans for the future are less likely to get pregnant or cause pregnancy.

98 per cent of participants were not involved in a pregnancy in 2004-2005.

➤ Roanoke Adolescent Health Partnership (RAHP)

RAHP provides access to health care and health education with the goal to reduce risk-taking behavior among Roanoke City teens.

RAHP provides comprehensive health care for teens including child care, family planning, immunizations, health education, sexually transmitted disease, and triage/walk-in services. These services are provided at two high school campuses and one school linked facility.

In 2004-2005, RAHP teen encounters totaled 5,291. 95.7 per cent of RAHP's family planning patients remained free of pregnancy.

#### DATA COMPARISON

2003 and 2004

Teen Pregnancy Rates per 1000 Females by Age

Commonwealth of Virginia Rate:

2002 - 27.6

2003 - 27.4

2004 - 26.5

*Roanoke City*

	2002	2003	2004
Overall:	54.5	48.9	39.4
Age > 15:	2.3	2	1.3
Age 15-17:	58.9	51.9	42.7
Age 18-19:	245.9	216.7	168.8

*Roanoke County*

	2002	2003	2004
Overall:	26.3	25.9	30.6
Age > 15:	2.4	2.4	1.7
Age 15-17:	27.7	27.5	30.9
Age 18-19:	84.7	83.6	101.2

In response to questions raised by Council Members, Ms. Michael advised that Roanoke City's rate for teen pregnancies is 39.4 per thousand compared to 26.5 for the Commonwealth of Virginia; the City of Roanoke ranked number one out of approximately 130 cities and counties ten years ago and currently ranks 24<sup>th</sup>; there is some interaction with Roanoke City Public Schools through health clinics at Patrick Henry High School, William Fleming High School and William Ruffner Middle School, and the Teen Outreach Program; the For Males Only program specifically focuses on boys at eight school sites and is a curriculum based program, which involves an adult male who talks with males between the ages of 12 to 19 with regard to making responsible decisions and self esteem issues and the program has proven to be successful.

Erica Witt, Youth Co-chair, Roanoke Area Youth Substance Abuse Coalition, Youth Vice-President for Community Voters Network of Virginia and Director of the Network Neighborhood Youth Office at Villages at Lincoln, reiterated that data indicates that youth in Roanoke City are involved in a series of risky behavior at alarming rates. She stated that her experience as a teen in Roanoke is that life can be dangerous and violent at times which can be witnessed at certain social events where teens engage in drugs and alcohol use and a party can rapidly erupt into violence when a peer arrives with a weapon and/or displays gang symbols. She called attention to the need for community involvement and advised that the community can help to build resilient youth through individual mentorship, community leaders can think first about youth when making decisions that affect all citizens, and any investment made by community leaders will create healthy youth development and lasting positive effects on the economy, on citizens and most importantly on the future of Roanoke's youth.

Vice-Mayor Fitzpatrick commended Ms. Michael on the quality of information contained in the report. He stated that teen pregnancy is not just a Roanoke City problem, but a regional, state and national problem, and asked that Council be kept informed of any actions that need to be taken and the time frame in which actions should be addressed.

Council Member Cutler concurred in the Vice-Mayor's remarks. He inquired if there is a plan of action with regard to what City Government and the School system can do to address the issue so that a specific set of statements can be developed that will become a part of the City's Comprehensive Plan and implemented by various divisions of City Government.

Ms. Michael responded that the Teen Pregnancy Council will continue to work with the City's Youth Planner and the Youth Commission on the youth portion of the Comprehensive Plan and through this process it is hoped that some of the more specific aspects of the data will be included.

Council Member Lea asked Ms. Witt to respond as to what the School Board could do that it is not currently being done to help resolve some of the school-related issues. Ms. Witt responded that more programs are needed that will draw young people away from selling and using drugs and committing crimes.

Mr. Lea called attention to the future Council/School Board Retreat scheduled to be held on Tuesday, January 2, 2006, and asked that the City Clerk communicate to the Clerk of the School Board a request for information regarding the use of drug dogs, in general, in the schools, how often are inspections held, are inspections announced or unannounced, etc. He concurred in the remarks of the Vice-Mayor that issues addressed by Ms. Michael are not just Roanoke City related, but regional in nature and it is hoped that the City will do everything possible to ensure a drug free environment in the City's educational system.

Council Member Dowe advised that the key is to listen to what Roanoke's youth are saying. He stated that the City of Roanoke's problems are not unlike those that other cities experience. He commended Roanoke's Youth Commission and advised that the youth component of the Comprehensive Plan and how the plan integrates into the City's Comprehensive Plan will be of monumental proportions.

Council Member Wishneff expressed appreciation to Ms. Michael for the quality of information contained in the report. He referred to \$200,000.00 identified in the report for a Teen Pregnancy Prevention Program and inquired if the matter should be referred to the Council's 2007 budget study for consideration. The City Manager advised that the item speaks to allocation of funds for a biannual survey and the issue of funding prevention programs will be best addressed in the Council's 2007 budget deliberations. She stated that



young people, led by a consultant, will identify specific youth needs and programs and the information could be used as a guiding element in the allocation of funds. She stated that the City may not be able to allocate \$200,000.00 in the first year, but could begin to look at youth prevention programs as an element of the City's annual budget process in much the same way that other elements of the Comprehensive Plan are used in an incremental approach, recognizing that when the Council deliberates the City's fiscal year budget, there will be numerous competing interests.

Council Member McDaniel advised that charts provided with the report contain averages of 10<sup>th</sup> and 12<sup>th</sup> grade students and 6<sup>th</sup> and 8<sup>th</sup> grade students, and inquired if the information could be broken down in order to review each year's responses as students grow older; whereupon, Ms. Michael responded in the affirmative.

Council Member McDaniel pointed out that the information contained in the report is serious in nature and it is hoped that all persons who are concerned about saving Victory Stadium will realize that what needs to be saved is Roanoke's youth, and the City of Roanoke has many important issues that should be addressed.

Ms. Michael advised that the Roanoke Pregnancy Prevention Planning Team would like to play an advisory role in the City's youth comprehensive planning process; and other Roanoke Valley jurisdictions have compiled similar youth risk data and surveys which will be included in a valley-wide report.

The Mayor expressed appreciation to Ms. Michael for an informative briefing.

COMMUNITY PLANNING: Dr. Mindy T. Fullilove, a professor of clinical psychiatry and public health at Columbia University, advised that for the past 13 years she has studied health problems related to the collapse of communities, and her research led to the publication of *Root Shock: How Tearing Up City Neighborhoods Hurts America and What We Can Do About It* in June 2004. She further advised that the book featured the story of urban renewal in the City of Roanoke as was related by local residents during her visits to the City between the period of 1995 and 2003; and based on her knowledge of Roanoke and her visits to many other cities, the current proposal to construct a Social Security Building on Henry Street runs against the evolving "best practice" for the following reasons:

1. Civic injuries require recognition and repair.
2. Repair requires the engagement of local residents with the planning process.
3. Repair requires reconnection of City parts.

She stated that the abovereferenced points argue against constructing the Social Security Building on Henry Street; other cities are building squares, cultural centers and other institutions that recognize the way of life that was destroyed by urban renewal and the current development of Henry Street is in that vein; the Social Security building will take up a great deal of space and detract from the sense of the area as a vibrant place that belongs to its neighborhood; the Social Security building does not have the support of area residents, nor do residents believe that they have been included in the process; the imposition of such a building on a neighborhood is a continuation of urban renewal, rather than a break with its destructive policies; the building will add to the impoverishment, ill health and alienation that were engendered by urban renewal; because of security requirements, the new building will impede the reconnection of the area to downtown Roanoke, which will ultimately undermine the vital flow that is needed to make downtown the bustling and attractive locale that it should be.

Dr. Fullilove advised that Roanoke has excellent features: a beautiful river, lovely downtown buildings, a town square, a historic stadium, and lovely parks; comprehensive, community-led planning can protect this great heritage and allow Roanoke to fulfill its potential as one of the most beautiful cities in America and the placement of the Social Security building is a key decision; careful placement of the building in a location that meets security standards and supports the vitality of neighborhoods and downtown will be a great boon to the City of Roanoke; incorrect placement of the building - on Henry Street for example - would undermine and impede the City's well-being; and the Gainsboro area is not the right location for the building, but with input by the citizens of the City of Roanoke, the right location can be found.

With regard to the Gainsboro neighborhood, a question was raised as to how "past ails" could be corrected; whereupon, Dr. Fullilove recommended a process of dialogue among planners, politicians, community residents and outside entities. She stated that the City of Roanoke has great institutions of higher education; Roanoke has many treasures, but those treasures are not tightly knit, therefore, understanding what Roanoke's unique treasures are and linking them together, which involves a process of bringing in planners and urban designers will, over a period of time, set the City in the right direction. In addition to the City Planning Department, she added that outsiders can be stimulating to help the City think in other directions, because local people tend to focus on local visions.

Dr. Fullilove advised that the following are key components to Gainsboro: the recognition that a mistake was made, inclusion by the City of the citizens of Gainsboro, and the opening of roads that will connect the Gainsboro community to the rest of the City. She stated that the widening of Wells Avenue

and Gainsboro Road has created a kind of thoroughfare which is not attractive to walking; grassy knolls exist on the side of Gainsboro Road but no houses face the street, therefore, the appearance is given of being in a kind of grassy tunnel that is not attractive to pedestrians for walking.

Question was raised with regard to the future Social Security building on Henry Street, and what can be done to recapture the historic character of the area; whereupon, Dr. Fullilove advised that there is time to pause and reflect on whether Henry Street is the right location for the Social Security building; and if the Social Security building is constructed, the real question becomes how to convince the people of Gainsboro that the City cares about them, or about their neighborhood. She referred to the widening of Wells Avenue and Gainsboro Road, and construction of the Coca-Cola Bottling Plant, all of which were projects that were imposed on the neighborhood and have not strengthened the neighborhood, therefore, there is a long history of urban renewal and the Social Security Administration Office building will become yet another example of urban renewal in the burden of history. She added that scholars who study these types of issues point out that if the policy is not broken by policy makers, injuries of the past will continue; therefore, construction of the Social Security building on Henry Street will deepen the crisis experienced by the City that was previously created by urban renewal.

Question was raised as to whether the structure itself or what goes on inside of a building helps to create synergy; whereupon, Dr. Fullilove advised that a building cannot be separated from what goes on inside and some buildings do more to help a neighborhood than others; and the issue with the Social Security building is that for Homeland Security reasons, the structure must occupy a considerable amount of space, and the building will alter traffic flow. She stated that if the City is trying to create a village center, a single building that will occupy an enormous amount of space is not the right way to go, and it would be preferable to construct smaller size buildings that will house a variety of uses as did Henry Street in the past. She added that there are issues with the scale of the building and security problems that go hand in hand with a Social Security building, therefore, the question becomes, where to locate sufficient space to construct the building. Secondly, she advised that there is already a fragile connection of Henry Street to downtown Roanoke; the Social Security building will disturb movement around Henry Street, and the connection of downtown Roanoke to Gainsboro will also be disturbed to the extent that Gainsboro will not play the role that it should in terms of supporting The Hotel Roanoke Conference Center and the downtown Roanoke area, therefore, the type of buildings that are constructed are critical to the Gainsboro community. She advised that as a visitor to the hotel proper, there is

no inviting place to walk from The Hotel Roanoke; if the Gainsboro area were re-animated as a small village center offering various types of shopping experiences, the Hotel would become a much more exciting place for visitors and would attract more visitors to the area by creating a kind of triangle with downtown Roanoke to the Farmers' Market. She stated that the Social Security building does nothing for the City in the proposed location on Henry Street, but whereas the building, if constructed in another location in the City of Roanoke, could help to energize the City.

Question was raised if the Social Security building is not constructed on the site, would it be preferable to leave the site undeveloped. Dr. Fullilove responded that the answer to the question is not inactivity, but slow activity. She stated that the City is proceeding in the right direction with the new apartments in the Norfolk Southern building, the Roanoke Higher Education Center, the culinary school and the Hotel Dumas, but the City should not plunge in another direction because of a need to fix the problem, or the mindset that buildings need to be constructed on the land. She encouraged the City of Roanoke to turn in a different direction from those urban renewal policies that wrecked the nation's cities many years ago toward the kind of organic development that is currently taking place in the City of Roanoke.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., extended heartfelt appreciation to Dr. Fullilove for her explanation as to why residents of Gainsboro are opposed to construction of the Social Security Office building on Henry Street. She stated that there are other locations within the City of Roanoke where the building would be better suited to serve the needs of 80 per cent of its clients who do not reside in the City of Roanoke. She added that Dr. Fullilove clearly explained the importance of Henry Street, not only to the Gainsboro community, but to the City as a whole; and if the Social Security Office building is constructed on Henry Street, streets will be closed, the building will be dark from Friday at 5:00 p.m., until Monday at 9:00 a.m., thus creating an imposing structure on Henry Street. She stated that Dr. Fullilove clearly explained why there is not an atmosphere conducive to walking in the Gainsboro area, because who would want to go past a building that takes up an entire street and alters traffic patterns, or visit the Dumas Hotel for entertainment, or walk past such an imposing structure to reach the Higher Education Center or the culinary school. For the above reasons, she asked that Council give further consideration to constructing the Social Security Administration Office building at another location.

There being no further questions or discussions, on behalf of the Council, the Mayor expressed appreciation to Dr. Fullilove for her presentation and presented her with a Roanoke Star paperweight.

BUDGET-CLERK OF COURTS: A communication from the Clerk of the Circuit Court advising that the Clerk is responsible, by statute, for the recordation of legal documents which include land records, marriage licenses, financing statements, assumed names, wills and other probate records, and Law, Chancery and Criminal orders; and the records must be maintained and available to the public, was before Council.

It was further advised that the Library of Virginia has awarded a grant, through the Virginia Circuit Court Records Preservation Program, for funds to have certain original paper Court records converted to both digital images and preservation microfilm; these records consist of indexes including, but not limited to deeds, orders, marriages and wills; records have no security backup at this time; and acceptance of the above referenced funds is vital to the Circuit Court Clerk's Office meeting mandated statutes.

The Clerk of Circuit Court recommended that she be authorized to execute the required grant agreement and any related documents, such agreement to be approved as to form by the City Attorney, to accept funds from the Library of Virginia in the amount of \$26,980.00; and that Council adopt a budget ordinance appropriating \$26,980.00 and establish a corresponding revenue estimate in the same amount in accounts to be established by the Director of Finance in the Grant Fund.

A communication from the City Manager concurring in the recommendation of the Clerk of Circuit Court, was also before the Council.

Council Member Dowe offered the following budget ordinance:

(#37242-112105) AN ORDINANCE appropriating funding from the Commonwealth of Virginia for the Virginia Circuit Court Records Preservation Program Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 63.)

Council Member Dowe moved the adoption of Ordinance No. 37242-112105. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

Council Member Cutler offered the following resolution:

(#37243-112105) A RESOLUTION authorizing acceptance of funds from the Library of Virginia through the Virginia Circuit Court Records Preservation Program to the Clerk of the Circuit Court to provide for converting certain original paper Court records to both digital images and preservation microfilm, and authorizing the Clerk of the Circuit Court to execute any and all necessary documents to comply with the terms and conditions of such grant.

(For full text of resolution, see Resolution Book No. 70, page 63.)

Council Member Cutler moved the adoption of Resolution No. 37243-112105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that the Office of Community Oriented Policing Services (COPS), under the U. S. Department of Justice, has awarded the City of Roanoke \$866,570.00 from the COPS Interoperable Communications Technology Program; funds are awarded to successful applicants for activities which improve interoperable communications technology in Virginia; and a local match, in the amount of \$288,857.00, is required and will be provided by the City's project partner, the Virginia State Police.

It was further advised that during the last decade, the Roanoke Metropolitan Service Area's (RMSA) governmental partners and public safety agency stakeholders worked to establish and improve interoperability throughout the region to better respond to emergency events, coordinate safety services at incident sites, build cooperative relationships among first responders, expand channels of communication, and prevent terrorist related attacks; however, there are still several areas within the RMSA where communication remains a problem; Craig, Botetourt, and Franklin Counties and the City of Salem are unable to communicate with the City of Roanoke and Roanoke County, even though only a few miles separate the agencies; and the RMSA consists of the following counties and cities (total population of approximately 301,000):

Botetourt County	(31,777)	Franklin County	(49,541)
City of Roanoke	(95,362)	Roanoke County	(87,679)
City of Salem	(24,347)	Town of Vinton	( 7,782)
Craig County	( 5,139)		

It was explained that the City of Roanoke was awarded grant funding and will serve as lead agency for implementation of a proposed MOTOBRIDGE IP technology project, which will allow continuous interoperable communications and data sharing in real time by all governmental and public safety agencies in the RMSA; and proposed MOTOBRIDGE IP technology will also support other regions of the state through mutual aid in the event of a major emergency (flooding, hurricanes and other natural disasters) and/or a terrorist incident in New York, Washington, D. C., or other population centers including the City of Roanoke or other Virginia cities, such as Richmond and Lynchburg.

The City Manager advised that the existing Statewide Agencies Radio System (STARS) network design for Virginia provides a single Radio Frequency (RF) dispatcher-to-dispatcher patch to each of the counties and independent cities of Virginia (coordinated by the Virginia State Police); the STARS network was originally intended to provide statewide interoperability for local government as the State/Virginia State Police completed the network throughout all seven divisions including Division 6 (includes the City of Roanoke, Roanoke County and other public safety agencies in the RMSA); however, with the advent of the new "MOTOBRIDGE IP" technology, a new strategy was adopted by Virginia to achieve regional and statewide communications interoperability; MOTOBRIDGE IP technology will be interfaced with the original STARS radio network, and MOTOBRIDGE IP equipment and software will essentially replace the existing RF system, thereby providing true interoperability; operation of the MOTOBRIDGE IP system, which will be completed by December 2006, will provide maximum multi-jurisdictional and multi-disciplinary connectivity, allowing for communications at the local, regional, state and federal levels and for future scalability; technology will also allow participating jurisdictions to communicate on the State's emergency communications network regardless of equipment and bandwidth used by the individual agency; and equipment purchased through the grant will allow cooperating agencies in the RMSA to purchase the necessary MOTOBRIDGE IP equipment modules to enable public safety agencies in the region full access to the proposed system's capabilities.

It was further advised that the proposed project will be implemented in conjunction with the statewide implementation plan; first phase state implementation will be completed in December 2006; and proposed implementation for the RMSA will begin in January 2006, to be completed in December 2006.

The City Manager recommended that Council accept the COPS Interoperability Communications Technology Grant and that she be authorized to execute grant agreements and any related documents, subject to approval as to form by the City Attorney; and that Council adopt a budget ordinance establishing a revenue estimate in the Grant Fund, in the amount of \$866,570.00, from the U. S. Department of Justice and \$288,857.00 from the Virginia State Police, and appropriate funds totaling \$1,155,427.00 in accounts to be established by the Director of Finance in the Grant Fund, as follows:

<u>Description</u>	<u>Object Code</u>	<u>Amount</u>
Fees for Professional Services	2010	\$ 276,604.00
Expendable Equipment	2035	54,994.00
Training & Development	2044	33,750.00
Furniture & Equipment	9005	254,889.00
Other Equipment	9015	<u>535,190.00</u>
Total		\$1,155,427.00

Council Member Cutler offered the following budget ordinance:

(#37244-112105) AN ORDINANCE appropriating funding from the Commonwealth of Virginia and Federal governments for the Community Oriented Policing Services (COPS) Interoperable Communications Technology Program Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 64.)

Council Member Cutler moved the adoption of Ordinance No. 37244-112105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

Council Member Dowe offered the following resolution:

(#37245-112105) A RESOLUTION authorizing the acceptance of a COPS Interoperable Communications Technology Grant from the U. S. Department of Justice, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 70, page 65.)



Council Member Dowe moved the adoption of Resolution No. 37245-112105. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

**POLICE DEPARTMENT-BUDGET-GRANTS:** The City Manager submitted a communication advising that the Virginia Department of Motor Vehicles (DMV) is the administering agency for pass through funds provided by the United States Department of Transportation for highway safety projects in Virginia; and DMV offers the funds to successful applicants for activities which improve highway safety in Virginia.

It was further advised that the Roanoke Police Department was awarded grant funding in the amount of \$10,000.00 for overtime and related FICA expenditures associated with conducting selective enforcement activities which target speeding and motor vehicle occupant safety; and the grant period is from October 1, 2005 through September 30, 2006.

It was explained that in a separate award, the Roanoke Police Department was granted funding in the amount of \$15,000.00 to be used for overtime and related FICA expenditures associated with conducting enforcement activities which target Driving Under the Influence (DUI) and equipment purchases to enhance investigative abilities toward the crimes; and the grant period extends from October 1, 2005 through September 30, 2006.

The City Manager stated that there is a statistical correlation between levels of motor vehicle law enforcement and traffic accidents in the City of Roanoke; historically, speed and alcohol are factors in 17 per cent of Roanoke's motor vehicle accidents; and the programs will allow police officers to concentrate on alcohol impaired drivers and speeders at those times when such violations are most likely to occur.

The City Manager recommended that Council accept the Occupant Protection/Safety Restraint Grant and the Enhanced Impaired Driving Enforcement Grant and that she be authorized to execute grant agreements and any related documents, subject to approval as to form by the City Attorney; and that Council adopt a budget ordinance appropriating funds totaling \$25,000.00, as follows, and establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund:

Occupant Protection/Safety Restraint Grant:

Overtime	\$9,290.00
FICA	710.00

Enhanced Impaired Driving Enforcement Grant:

Overtime	\$11,148.00
FICA	852.00
Expendable Equipment	3,000.00

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37246-112105) AN ORDINANCE appropriating funding from the Commonwealth of Virginia for the Occupant Protection/Safety Restraint and Enhanced Impaired Driving Enforcement Grants, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 66.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37246-112105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37247-112105) A RESOLUTION accepting the Occupant Protection/Safety Restraint and Enhanced Impaired Driving Enforcement Grant offer made to the City by the U. S. Department of Transportation and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 70, page 67.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37247-112105. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

**BUDGET-HUMAN DEVELOPMENT-GRANTS-FDETC:** The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus, Council must appropriate funds for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs; the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem; and WIA funding is intended for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was further advised that the Western Virginia Workforce Development Board has received a Notice of Obligation (NOO) from the Virginia Employment Commission allocating \$106,889.00 for the Adult Program which serves economically disadvantaged adults and \$87,688.00 for the Dislocated Worker Program which serves workers laid off from employment through no fault of their own for Program Year 2005 (July 1, 2005 – June 30, 2007); and ten per cent of the aforementioned totals are to be allocated to the administrative function of the Western Virginia Workforce Development Board.

It was noted that existing activities will continue and planned programs will be implemented; and funds are available from the Grantor agency and other sources as indicated, at no additional cost to the City.

The City Manager recommended that Council accept Western Virginia Workforce Development Board Workforce Investment Act funding in the amount of \$194,577.00 for Program Year 2005; and adopt a budget ordinance appropriating Workforce Investment Act funds in accounts to be established by the Director of Finance and establishing corresponding revenue estimates in the Grant Fund.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37248-112105) AN ORDINANCE appropriating funding for the FY06 Workforce Investment Act Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 68.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37248-112105. The motion was seconded by Council Member Cutler.

In response to previous questions raised by Council Members with regard to diversity issues applicable to the Workforce Development Board of Directors, the City Manager advised that requests have been made of two jurisdictions to nominate persons to the Board that would lead to improved diversity of the organization and the Workforce Development Board.

There being no further questions or comments, Ordinance No. 37248-112105 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37249-112105) A RESOLUTION accepting the Western Virginia Workforce Development Board Workforce Investment Act funding of \$194,577.00 for Program Year 2005 and authorizing the City Manager to execute the requisite documents necessary to accept the funding.

(For full text of resolution, see Resolution Book No. 70, page 69.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37249-112105. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

POLICE DEPARTMENT-CITY CODE: The City Manager submitted a communication advising that as a part of the overall effort toward increasing the quality of life for Roanoke residents, the Police Department has initiated numerous investigations into prostitution and related crimes; Section 15.2-908.1, Code of Virginia, 1950, as amended, enables the City to adopt an

ordinance to address the abatement of bawdy places; bawdy places are difficult to regulate largely due to the fact that these locations are most often inside and on private property; the Police Department's ability to combat these situations will be enhanced by adopting an ordinance that allows the City to require the owner to take corrective action; and if the property owner fails to take corrective action, the City may commence action to abate the bawdy place.

The City Manager recommended that Council, as permitted under Section 15.2-908.1, Code of Virginia, adopt an ordinance amending and re-ordaining the Code of the City of Roanoke (1979), as amended, by adding a new Article IX, "Abating Bawdy Places," to Chapter 21, "Offenses - Miscellaneous". She advised that recommended revisions will strengthen the City's ability to compel private property owners to abate the situations of bawdiness, or face possible corrective action by the City to abate the bawdy places.

Council Member Cutler offered the following ordinance:

(#37250-112105) AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by adding a new Article IX, Abating Bawdy Places to Chapter 21, Offenses - Miscellaneous, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 70.)

Council Member Cutler moved the adoption of Ordinance No. 37250-112105. The motion was seconded by Council Member McDaniel.

Mr. Robert N. Richert, 415 Allison Avenue, S. W., advised that the triple crown of inner city social challenges include alcohol, illegal drug sales and consumption, and prostitution; and Old Southwest has a good handle on the issue of alcohol and is currently working with the Police Department on the issue of drug sales. However, he stated that the prostitution issue, which seems to defy control in that it moves from one location to another never disappears. He added that Old Southwest is in favor of holding property owners, who are frequently absentee property owners, responsible for harboring this type of activity, and asked that Council give favorable consideration to adoption of the proposed ordinance.

There being no further questions or comments, Ordinance No. 37250-112105 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

**BUDGET-ROANOKE PASSENGER STATION RENOVATION PROJECT:** The City Manager submitted a communication advising that the O. Winston Link Museum of the History Museum & Historical Society of Western Virginia received notification in 2004 that an application for Transportation Enhancement funds through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) for the open storage component of the O. Winston Link Museum was approved by the Commonwealth Transportation Board in the amount of \$55,000.00; funds will be used to support design and construction of the Museum's open storage component, refurbishment of authentic station benches, and restoration and installation of N&W Passenger Station signs; the City of Roanoke must enter into separate agreements with the Museum and the Virginia Department of Transportation (VDOT) to define responsibilities of each party; authority for all agreements for the project was previously authorized by Council's action on October 17, 2005 (Resolution No. 37227-101705); the Museum would be responsible for the match requirement of \$13,750.00; and the \$55,000.00 of TEA-21 Enhancement funds needs to be appropriated (to be reimbursed by VDOT) to a new project account for disbursement to the Museum.

The City Manager recommended that Council adopt an ordinance appropriating \$55,000.00 of TEA-21 Enhancement funds to an account to be established by the Director of Finance entitled, "O. Winston Link Museum Open Storage" and establish a corresponding revenue estimate in the same amount for State reimbursement through the TEA-21 program in the Capital Projects Fund.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37251-112105) AN ORDINANCE to appropriate TEA-21 Enhancement Grant funding to be provided by VDOT for the O. Winston Link Museum, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 73.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37251-112105. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Cutler and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff abstained from voting.)

**BUDGET-STATE HIGHWAYS-TOTAL ACTION AGAINST POVERTY:** The City Manager submitted a communication advising that Total Action Against Poverty (TAP) received notification that it would receive additional Transportation Enhancement funds for the Hotel Dumas Artistic and Cultural Center project, in the amount of \$40,000.00, which is in addition to the \$150,000.00 in Enhancement funds that were approved in 2003, bringing the total to \$190,000.00; the City of Roanoke must enter into separate amended agreements with TAP and the Virginia Department of Transportation (VDOT) to define the responsibilities of each party; authority for all project agreements was previously authorized by Council's action on June 21, 2004 (Resolution No. 36734-062104); Total Action Against Poverty would be responsible for the match requirement of \$10,000.00; and the \$40,000.00 of Transportation Enhancement funds needs to be appropriated (to be reimbursed by VDOT) to Project Account No. 008-530-9825-9007 for disbursement to TAP.

The City Manager recommended that Council adopt a budget ordinance increasing the Dumas Center TEA-21 revenue estimate, Account No. 008-530-9825-9806, in the amount of \$40,000.00 and appropriating funds in the same amount to the Hotel Dumas Artistic and Cultural Center project, Account No. 008-530-9825-9007, for disbursement to TAP.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37252-112105) AN ORDINANCE to appropriate additional TEA-21 Enhancement Grant funding to be provided by VDOT for the Dumas Artistic and Cultural Center Project, amending and reordaining certain sections of the 2005-2006 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 74.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37252-112105. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

**POLICE DEPARTMENT-BUDGET:** The City Manager submitted a communication advising that in 1991, the Virginia General Assembly passed State legislation allowing local law enforcement to seize and have forfeited property connected with illegal narcotics distribution; the law also makes it possible for police departments to receive proceeds from forfeited properties; application for an equitable share of property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program, and certified by the Chief of Police; property, including funds

shared with State and local agencies, may be used only for law enforcement purposes; program requirements mandate that funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenue totaling \$38,807.00 has been collected and is available for appropriation in the Grant Fund, Account Nos. 035-640-3302-3299 and 035-640-3302-3300.

It was further advised that drug and other undercover investigations extend past the normal work day/period, thus requiring overtime; however, funds for overtime through the General Fund has historically been underfunded for vice operations; and the abovereferenced State funds will be used to cover overages in overtime expenses for drug and other undercover activities.

The City Manager explained that in 1986, Congress authorized the transfer of certain Federally forfeited property to state and local law enforcement agencies that participated in the investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; the property, including funds shared with state and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement; and participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, and offsets costs that would otherwise have to be borne by the City's taxpayers.

It was advised that the Police Department receives funds periodically from the Federal Government's Asset Sharing program; grant requirements mandate that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; revenue totaling \$956,309.00 has been collected and is available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306; and some intended uses for the Federal funds include:

- A & E funds for study of a new Police Academy;
- ITT Night Enforcer pocketscope;
- Ballistic vests w/trauma plate;
- Stinger spike strips;
- Riot helmets;
- Radar units;
- Furniture for police building; and
- Other items as needed.

The City Manager recommended that Council adopt a budget ordinance increasing Grant Fund revenue estimates and appropriating funds for the State Asset Sharing and Federal Forfeited Property Sharing grants, as follows:



Revenues:

State Asset Forfeiture - Interest	035-640-3302-3299	\$ 824.00
State Asset Forfeiture	035-640-3302-3300	37,983.00
Federal Forfeiture	035-640-3304-3305	952,621.00
Federal Forfeiture - Interest	035-640-3304-3306	3,688.00

Appropriations:

Overtime Wages	035-640-3302-1003	\$ 36,050.00
FICA	035-640-3302-1120	2,757.00
Investigations and Rewards	035-640-3304-2150	783,696.00
Fees for Professional Services	035-640-3304-2010	75,000.00
Other Equipment	035-640-3304-9015	97,613.00

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37253-112105) AN ORDINANCE to appropriate funding for the State Asset Sharing Program and Federal Forfeited Property Grant, amending and reordaining certain sections of the 2005-2006 Capital Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 75.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37253-112105. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

CITY EMPLOYEES: The City Manager submitted a communication advising that military leave at full pay is limited to 15 work days per Federal fiscal year for employees of the City of Roanoke who are military reservists or members of the national guard and are called to active duty; Council authorized Special Military Pay on November 5, 2001, and extended the provision annually thereafter to provide supplemental pay for military reservists/national guard called to active duty and service related to the war on terrorism, which action was effective through September 30, 2005, and benefited 15 City employees called from reserves/national guard to active duty; the 15 employees received a total of \$21,620.21 (during October 1, 2004 thru September 30, 2005) in supplemental pay as a result of Council's action; there are 31 reservists/national guard members in ten departments within the City of Roanoke full time employment; and one reservist was called to duty related to natural disasters in the Gulf States, but was not covered by the special pay.

The City Manager recommended that Council approve a special policy to pay military reservists/national guard who are called to active duty between October 1, 2005, and September 30, 2006, the difference between actual military base pay (including any other related compensation received from the military) and pay with the City of Roanoke in their current job; covered employees would be those reservists/national guard members who are called to active duty related to the country's war on terrorism or natural disaster relief, subsequent to the employee's employment with the City of Roanoke; and supplemental pay will be provided upon request and with necessary documentation provided to the Department of Human Resources.

Council Member Cutler offered the following resolution:

(#37254-112105) A RESOLUTION authorizing payment of supplementary compensation and restoration of certain benefits to employees who are called to active military duty and serve between October 1, 2005 and September 30, 2006.

(For full text of resolution, see Resolution Book No. 70, page 76.)

Council Member Cutler moved the adoption of Resolution No. 37254-112105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

**POLICE DEPARTMENT-ANIMALS/INSECTS:** The City Manager submitted a communication advising that the SPCA has a need for a vehicle equipped to transport animals; and the Police Department, through the normal vehicle replacement program, is slated to turn in for disposal, upon delivery of a new vehicle, a 1998 Ford pickup equipped as an animal control vehicle that has mileage of over 86,300 and an estimated residual value of \$9,200.00.

The City Manager recommended that she be authorized to donate the vehicle to the SPCA to facilitate the proper continued care of animals seized in the City of Roanoke and surrounding areas.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37255-112105) A RESOLUTION authorizing the City Manager to donate a 1998 Ford pickup truck equipped as an animal control vehicle to the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc. (RVSPCA).

(For full text of resolution, see Resolution Book No. 70, page 77.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37255-112105. The motion was seconded by Council Member Dowe.

The City Manager was requested to report on the status of City of Roanoke vehicles that will be donated to Gulfport, Mississippi, Roanoke's sister city that sustained considerable damage as a result of hurricane activity, whereupon she advised that minor repairs have been completed on six vehicles that have been identified from a list of about 20 vehicles that will be provided to the Gulfport area; and transportation arrangements have been finalized. She stated that the firm of Dependable Auto Shippers will complete delivery of the vehicles by Saturday of this week; the City has been in regular contract with the Gulfport community, which at this point has not requested additional manpower assistance, but it is anticipated that at some point in the near future the City will be requested to dispatch employees, primarily in the Building Inspections area, to the Gulfport area for finite periods of time. She advised that Gulfport officials stated that their immediate needs include vehicular equipment, and pursuant to approval by Council, a 1991, 1995 and two 1996 vans, a 2000 Ford sedan, and a 1988 Chevy Blazer, all of which are in good operating condition, will be donated to the Gulfport, Mississippi community.

There being no further questions/comments, Resolution No. 37255-112105 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

**SCHOOLS-PARKS AND RECREATION:** The City Manager submitted a communication advising that on February 5, 2001, pursuant to Resolution No. 35201-020501, Council authorized an agreement to operate a fitness center at Jackson Middle School for use by the general public, upon certain terms and conditions; Roanoke City Public Schools use the fitness room and equipment for physical education classes and sports conditioning; and the Department of Parks and Recreation operates the facility as a fitness center, open to the public during non-school hours.

It was further advised that subsequent to the original agreement, it has been deemed to be in the best interest of both parties to make several minor changes which include, but are not limited to, the term of the agreement, and terms of use; and copy of proposed Amendment No. 1, as approved by the School Board on November 8, 2005, was submitted for information and review.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the Jackson Middle School Fitness Center agreement, such Amendment to be approved as to form by the City Attorney.

Council Member Dowe offered the following resolution:

(#37256-112105) A RESOLUTION authorizing the City Manager to execute Amendment No. 1 to an agreement dated January 9, 2001, between the Roanoke City School Board and the City of Roanoke, allowing the City to operate a fitness center at Jackson Middle School for use by the general public, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 70, page 78.)

Council Member Dowe moved the adoption of Resolution No. 37256-112105. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

#### REPORTS OF COMMITTEES:

COMMITTEES-LEGISLATION: Vice-Mayor Fitzpatrick, Chair, Legislative Committee, presented the City of Roanoke's 2006 Legislative Program.

He advised that on November 7, 2005, the Council's Legislative Committee met to review the proposed Program; and commends the Program to Council for approval; and the School Board's portion of the Program was approved by the Board at its meeting on November 8, 2005.

The following 2006 legislation is requested:

**Public Safety.** Section 15.2-906, Code of Virginia, authorizes localities to remove, repair or secure any building, wall or other structure which might endanger the public health or safety. However, this section prohibits localities from taking such action for at least 30 days following the "later of the return receipt [for mailed notices] or newspaper publication". The City requests an amendment to reduce the 30 days to seven days in those instances where a locality simply seeks to "secure" (board up, for example) a building, as opposed to removing or repairing it.

**Historic Districts.** The City requests legislation to amend §36-99, Code of Virginia, to authorize localities to require building permits for the installation of replacement siding, roofing and windows in buildings within historic districts. This will benefit the City's historic neighborhoods.

**Energy Efficiency.** The City requests a study to develop enabling legislation to authorize a real estate tax break for buildings constructed using "green building" or "sustainable" designs consistent with Leadership in Energy and Environmental Design (LEED) standards.

**Trash Containers.** The City requests that legislation be enacted enabling localities to assess civil penalties against those who fail to remove their trash containers from the street within the time period required (currently in the City, by 7:00 a.m. of the day following collection).

**Agents for Rental Units.** Section 55-218.1 of the Code of Virginia requires property owners who own four or more units in the Commonwealth of Virginia, but do not reside in the Commonwealth themselves, to maintain an agent who is a resident of the State. It is difficult to serve summons and other notices on property owners who do not live in the same locality, delaying action to address blight. The General Assembly is requested to amend this Code section to require that the property owner's leasing agent or representative operate in the same locality as the property or in an adjacent locality. The legislation could be limited to apply only in those localities, such as Roanoke, which have significant percentage of houses that are rented. In 2000, only 52 per cent of the housing in the City was owner-occupied.

**Domestic Violence.** The City requires that the Virginia Crime Commission consider recommending proposals to address domestic violence that would include: amending §9.1-116.1, Code of Virginia, which creates the Virginia Domestic Violence Victim Fund, in order to authorize the use of such fund to provide immediate assistance to victims of domestic violence; legislation to permit the victimless prosecution of domestic violence cases when a victim is uncooperative and sufficient evidence and/or supporting witnesses are otherwise available; enact sentencing guidelines that require a set fine and incarceration for domestic violence offenses, similar to DUI statutes; and legislation to prohibit the immediate release of domestic offenders, in order to prevent them from being able to immediately confront their victims, as often is the case.

**Constitutional Amendment for Partial Tax Exemption.** The General Assembly should approve an amendment to Article X, Section 6(a)(7)(h) of the Constitution of Virginia to provide authority for the passage of legislation authorizing localities to provide for a partial exemption from local real property taxation of new construction in conservation, redevelopment or rehabilitation areas. The Constitution already permits this for substantial renovation, rehabilitation and replacement of existing structures. This will benefit the City's neighborhoods. This passed in the 2005 General Assembly and must be approved again in 2006.

Other legislative priorities:

**Support for Virginia First Cities Coalition Legislation.** As a member of Virginia First Cities, a group of 15 of the State's older cities, Roanoke supports the broad legislative objectives of this coalition. The State should realign its policies and funding formulas to reduce disproportionate economic, fiscal and demographic stresses and disparities on Virginia's fiscally stressed cities. The State should actively promote conditions to encourage the economic health of cities through employment, neighborhood redevelopment and revitalization of commercial areas.

Additionally, the City supports First Cities' efforts to:

- Preserve local taxing authority.
- Fully fund the Standards of Quality.
- Add funds to programs that improve the educational attainment of at-risk students.
- Substantially increase State funds for public transportation.
- Increase enterprise zone funding.
- Support Housing Commission legislation that benefits cities.

**Telecommunications Taxes:** Some changes to the Commonwealth's telecommunications tax structure are necessary to address new and changing technologies. However, any proposed revisions must keep such taxes revenue neutral for the City.

**Cable Television Franchise:** The City supports competition in the provision of cable television service. However, the City prefers to negotiate the franchise agreements for all providers that best meet the needs of the community instead of a standardized statewide franchise.

**Eminent Domain.** The City opposes legislation that would further limit local eminent domain authority and notes that in the past ten years, the City has acquired property after filing eminent domain processings only five times. Two of these were for sewer easements, two for property for a pedestrian walkway, and one was for a power line extension.

**Dangerous Animals.** The City supports legislation that would strengthen laws pertaining to dangerous and vicious dogs. Among other things, such legislation should provide for more severe criminal penalties for owners of dogs declared dangerous that attack and seriously injure or kill a person.

**Support for School Board Legislative Priorities.** The City of Roanoke supports the School Board Legislative Program in its entirety and incorporates it into the City's Legislative Program.

**Policy Positions:**

**State Support for Cultural Agencies and Activities.** Institutions such as the Center in the Square and its constituent agencies, the Virginia Museum of Transportation and the Commonwealth Games all attract tourists to the region and help support the economy. City Council is appreciative of the legislature's partial funding of regional cultural institutions and regional events in previous years. The State is encouraged to develop a policy that ensures stable funding for these agencies. Additionally, a regional funding mechanism is needed to provide a source of funding for environmental, entertainment, and cultural assets. The City supports legislation that would allow for the development of funding from regional resources for cultural, historic, and recreation amenities such as a Blue Ridge Asset District.

**Transportation (Including Mass Transit) Funding.** Adequate funding, especially that for mass transit, is critical to keep Virginia's transportation system viable. In addressing transportation needs, the General Assembly should consider: adjusting fund sources such as the motor fuels tax to keep pace with inflation; imposing moderate increases in state transportation-related taxes and fees; authorizing the creation of regional transportation districts; seeking equity among various road users by ensuring that trucks pay their proportionate share of road costs and promoting mass transit solutions on a regional and statewide basis.

**Mental Health Funding.** The State should expand its scope of mental health services to include those with traumatic brain injuries. The State should provide additional funding to operate a comprehensive mental health facility in the western part of the State. Such facilities already operate in at least two other parts of the State, but not in the southwestern region of Virginia. The City supports line item funding in the State budget for "Brain Injury Services of Southwest Virginia". Additionally, special consideration should be given to meeting mental health needs that fall under the jurisdiction of the court system.

**Standards for Adult Homes.** The State should raise its standards for adult homes to more fully reflect the care needed for this population segment. Additionally, the State should improve funding for adult homes, particularly for indigent care.

**Zoning Districts.** Roanoke opposes any legislation that would restrict present land use powers of local governments to establish, modify and enforce zoning classifications. Local governments should remain free to adopt and enforce zoning changes that address local land use needs. The City opposes any legislation that would limit local government regulation of historic zoning districts and its ability to accept proffered conditions in rezonings that relate to building features and materials.

**General Policy Considerations:**

The Federal and State governments should recognize that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. Roanoke remains concerned with the cumulative effect of Federal and State legislative and regulatory mandates that have stressed the serious financial problems of local governments. It is essential that the State fully fund all State mandates, including public employee salaries.

Roanoke is vitally concerned over the continued erosion of local revenue sources. The General Assembly is urged to leave the taxing authority and revenue sources of local governments alone. Additionally, the State should pay a greater share of the costs of education and other essential services.



City Council calls upon the Governor and the General Assembly to develop an economic development strategy for the Commonwealth and its local governments. The strategy should include special programs for those areas west of the Blue Ridge Mountains and central cities across the Commonwealth. Tourism and convention activities that enhance the economic well being of the State and its political subdivisions should be recognized as legitimate components of economic development.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37241-112105) A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2006 Session of the General Assembly.

(For full text of resolution, see Resolution Book No. 70, page 61.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37241-112105. The motion was seconded by Council Member Cutler.

Robert N. Richert, Chair, Architectural Review Board, spoke in support of the 2006 City of Roanoke Legislative Program which is important to Roanoke's inner City. He also spoke in support of an item pertaining to the requirement to obtain a building permit for roofing, siding and windows in the historic districts, particularly in the H-2 District, and advised that over one half of enforcement issues that create concern with the City's inspection staff are related to these types of issues in the historic district. He stated that certain contractors and tradesmen know that they are prohibited from doing certain things in the historic district, but instead take advantage of uninformed citizens by starting a project knowing that City staff must stop work on the project while the affected property owner goes through the process of hearings before the Architectural Review Board. He expressed appreciation to Council for bringing the matter to the attention of the City's representatives to the General Assembly and offered the assistance of the Architectural Review Board in support of the proposed legislation.

Dr. Cutler advised that another example of tradesmen offering their services to citizens resulting in illegal actions relates to the tying of basement sump pumps to sewer systems, which must be discouraged in order to reduce infiltration and inflow problems associated with illegal connections of sump pumps and roof drains, etc., into the sewer system. He spoke in support of a new item of legislation that would request a study to develop enabling legislation to authorize a real estate tax break for buildings that are constructed using green building for sustainable designs consistent with leadership in energy and environmental design or LEED standards.

Council Member Wishneff introduced an item that was not previously included in the City's proposed 2006 Legislative Program with regard to the issue of advisory referenda. He advised that most cities in Virginia have the option for advisory referenda and there is strong support across the City of Roanoke for such legislation. He submitted copy of proposed legislation that was submitted to the General Assembly in 2005 by Senator John S. Edwards with the following revisions: a requirement for 20 per cent instead of ten per cent of registered voters and elimination of the automatic charter amendment provision.

Council Member Wishneff moved that the City's 2006 Legislative Program be amended to include the abovereferenced item relating to advisory referenda. The motion was seconded by Council Member Lea.

Council Member Dowe advised that having just received the information presented by Mr. Wishneff, he was not comfortable with voting on the issue until he had an opportunity for more in-depth review.

Vice-Mayor Fitzpatrick suggested that the issue of advisory referenda be referred to a special meeting of the Legislative Committee for review and discussion.

Council Member Lea advised that the issue of advisory referenda was discussed last year, therefore, it is not a new item that has been presented to the Council for discussion.

Council Members Cutler and McDaniel concurred in the remarks of the Vice-Mayor and Council Member Dowe.

The Mayor advised that the issue of advisory referenda has been discussed by the Council in the past and would give the City the authority, as a locality, to govern itself in a number of areas where the City is currently limited by Charter provisions.

Council Member Lea spoke in support of an item in the legislative program with regard to domestic violence which sends a message to Roanoke's citizens that the City of Roanoke is serious about domestic violence by encouraging sentencing guidelines that require a fine and incarceration for domestic violence offenses, similar to those of a DUI offense, and prohibiting the immediate release of domestic offenders in order to prevent them from immediately confronting their victims. He commended the City of Roanoke for being in the forefront to address this major problem in the community.

Council Member Lea called attention to a community forum on domestic violence that will be hosted by the City of Roanoke on November 29, 2005 from 6:00 to 8:00 p.m., at the Roanoke Civic Center, which will include round table discussions on domestic violence and members of the panel will include representatives of the Commonwealth Attorney's Office, law enforcement officials, representatives of victim advocacy groups, and medical services for victims.

Following further discussion, Council Members Wishneff and Lea agreed to withdraw their amendment to the motion with regard to including an item in the 2006 Legislative Program pertaining to advisory referenda, inasmuch as the Council was of the consensus that the matter would be referred to a special meeting of the Legislative Committee on Monday, December 5, 2005, for discussion by the Council.

There being no further questions/comments, Resolution No. 37241-112105 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-SCHOOLS: A report from the Roanoke City School Board requesting appropriation of the following funds, was before Council.

- \$28,096.00 for the 2005-06 Title II, Part A (formerly Class Size Reduction Initiative and Eisenhower) to provide funds for the placement of classroom teachers in grades one through three throughout the district to reduce class size and to provide funds for teacher and principal training. This continuing program will be reimbursed 100 per cent by Federal funds.
- \$993,060.00 for the Teaching American History Grant. The program will raise student achievement by improving teachers' knowledge, understanding and appreciation of American History. The Schools will work cooperatively with the Center for Liberal Arts and the Virginia Center for Digital History at the University of Virginia and Virginia Tech to provide training to participants. This new program will be 100 per cent reimbursed by Federal funds.
- \$12,150.00 for the 2005-06 Race to GED Fast Track program. The funds will provide supplies, tuition, and instructors to increase participation in the GED examinations. This continuing program will be 100 per cent reimbursed by State funds.

A report of the Director of Finance recommending that Council concur in the request of the School Board was also before the body.

Council Member Cutler offered the following budget ordinance:

(#37257-112105) AN ORDINANCE to appropriate funding for the 2005-2006 Title II, Part A Program, Teaching American History Grant, and 2005-2006 Race to GED Program, amending and reordaining certain sections of the 2005-2006 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 78.)

Council Member Cutler moved the adoption of Ordinance No. 37257-112105. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Cutler and Vice-Mayor Fitzpatrick-----6.

NAYS: None-----0.

(Mayor Harris was out of the Council Chamber when the vote was recorded.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY COUNCIL-CITY EMPLOYEES: Council Member Dowe inquired about the holiday schedule for City employees; whereupon, the City Manager advised that both Christmas Day and New Year's Day fall on a Sunday, therefore, City offices will be closed on the Monday following both holidays.

HOUSING/AUTHORITY-COMMUNITY PLANNING: Council Member Dowe inquired about the timetable for receipt of the Strategic Housing Initiative study; whereupon, the City Manager advised that the study will be presented to the City Planning Commission in November and a work session could be scheduled if Council would like to review the document prior to the Council's public hearing.

ARMORY/STADIUM: Council Member Wishneff advised that at the last Council meeting, several persons made reference to the fact that 90 per cent of events at Victory Stadium were generated by the two high schools; however, after checking the math, he reported that 65 per cent of events instead of 90 per cent were generated by the two high schools. More importantly, he stated that 85 per cent of projected revenue is derived from non high school events.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM: Mr. John Graybill, 2443 Tillett Road, S. W., advised that he attended a recent community meeting at Patrick Henry High School with regard to construction of an athletic field on the school campus and expressed concern that no City Council Members or School Board members were in attendance. He stated that Victory Stadium should be renovated and should continue to serve as a memorial to those persons who served their country in World War II.

COMPLAINTS-CITY EMPLOYEES: Mr. Dick Kepley, 550 Kepplewood Road, S. E., spoke in support of a stadium for all of the citizens of Roanoke and for future generations of Roanokers. He read the following excerpt from a communication from Richard A. Rife, Architect for the Patrick Henry High School renovation project: "Locating a stadium on each campus would delay construction until after the reconstruction of the two schools to be complete in 2009. It is hard to make economic sense out of the building of a stadium on each school campus. A high quality football stadium with 3,000 seats, toilets, concessions, locker rooms, parking, etc., will run in the neighborhood of \$3 million. Each school will have five or six home games per year, and it is hard to justify building duplicate stadiums for that level of use. While a stadium of this size would fit onto Fleming's campus, it would be a very awkward fit at Patrick Henry, and there would undoubtedly be opposition from adjacent homeowners. It is also questionable if the school's parking would be adequate for a football crowd; and the overflow crowd would likely find its way into the neighboring residential areas and cause problems. It is doubtful that a stadium at William Fleming surrounded by industrial, retail and multiple family use, would cause any neighborhood opposition. I suspect that the athletic directors at both high schools would be happy to share a football stadium as long as it was a high quality facility."

Mr. Kepley proposed that inasmuch as a majority of Council Members voted to promote a stadium at each high school, because City Council appoints members of the City Planning Commission and because the City Planning Commission is composed of persons with special interests, the Planning Commission should be excused from making decisions with regard to stadia at each of the two high schools.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that in the near future, the citizens of Roanoke will celebrate the 60<sup>th</sup> anniversary of Victory Stadium; therefore, he suggested that \$5 million be allocated to a stadium for William Fleming High School and that another \$5 million be set aside for renovation of Victory Stadium. He stated that Victory Stadium is an historic landmark that is important to a vast majority of the citizens of Roanoke and all citizens would win if Victory Stadium is renovated; i.e.: high school students would have a place to play football and other citizens would have a place to enjoy special events, such as July 4<sup>th</sup> activities that have become a tradition at Victory Stadium.

COMPLAINTS-CITY EMPLOYEES: Mr. Robert E. Gravely, 727 29th Street, N. W., spoke with regard to the rising cost of health care insurance for City employees, lack of affordable housing in the City of Roanoke, and other general concerns.

#### CITY MANAGER COMMENTS:

REFUSE COLLECTION-CITY EMPLOYEES: The City Manager advised that in view of the Thanksgiving holiday, solid waste will be collected one day in advance of the regular collection day which will enable City employees to observe four day break.

CELEBRATIONS: The City Manager advised that the Grandin Road Holiday Parade was held on Saturday, November 19, 2005.

At 4:40 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building.

At 7:00 p.m., on Monday, November 21, 2005, the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

**CITIZEN OF THE YEAR:** The Mayor advised that he was pleased to announce that Nicholas F. Taubman was selected by the Members of Roanoke City Council as the City of Roanoke's 2005 Citizen of the Year; whereupon, he asked that Mr. and Mrs. Taubman join him at the lectern.

He advised that Mr. Taubman served as a member of Roanoke City Council from November 1975 to June 1978 and is the former CEO of Advance Stores; he was nominated by President George Bush to be the next U. S. Ambassador to Romania, and Mr. Taubman and his wife, Jenny, have a long history of charitable involvement in the Roanoke Valley.

Vice-Mayor Fitzpatrick offered the following resolution:

(#37240-112105) A RESOLUTION naming Nicholas F. Taubman as Roanoke's Citizen of the Year for the year 2005.

(For full text of resolution, see Resolution Book No. 70, page 60.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37240-112105. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

The Mayor presented Mr. Taubman with a ceremonial copy of the above referenced resolution, a personal plaque containing his photograph with the inscription "Nicholas F. Taubman - City of Roanoke 2005 Citizen of the Year"; and a Key to the City.

The Members of Council expressed appreciation to Mr. and Mrs. Taubman for their many contributions to the City of Roanoke.

Mr. Taubman expressed appreciation for the honor bestowed upon him by the City of Roanoke and advised that although he will reside in Romania for the foreseeable future, Roanoke will always be his home.

## PUBLIC HEARINGS:

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, November 21, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Kuumba Community Health & Wellness Center, Inc., for exemption of property located at 3716 Melrose Avenue, N. W., from real estate taxation, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 11, 2005.

The City Manager submitted a communication advising that the Kuumba Community Health & Wellness Center, Inc., recently purchased property described as Official Tax No. 2762101, located at 3716 Melrose Avenue, N. W., from the YMCA of Roanoke Valley; Kummmba's current facility is a leased modular unit which received exemption from personal property taxes, effective May 9, 2001; current plans are to construct a new, larger facility on the premises within the next year; the primary purpose of the Kuumba Community Health & Wellness Center, Inc., is to deliver primary health care that is affordable, high-quality, comprehensive in scope, and culturally sensitive to the citizens of Roanoke; Kuumba offers family medical care to all ages, with no restrictions on place of residence, income or insurance status; and annual taxes due for fiscal year 2005-2006 on the above referenced parcel of land is \$1,595.00 on an assessed value of \$131,800.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests of non-profit organizations for tax exemption of certain property in the City, pursuant to Resolution No. 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; and Kuumba Community Health & Wellness Center, Inc., provided the necessary information as a result of adjustments made to the City's revised local policy prior to October 15, 2005, which was the deadline for applications for exemptions that would take effect on January 1, 2006.

The City Manager advised that according to the Office of the Commissioner of the Revenue, the loss of revenue to the City will be \$1,276.00 annually after a 20 per cent service charge is levied by the City in lieu of real estate taxes; the service charge will be \$319.00; the Commissioner of the Revenue has determined that the organization is currently not exempt from paying real estate taxes on property described as Official Tax No. 2762101 by classification or designation under the Code of Virginia; and the IRS recognizes Kuumba as a 501(c) 3 tax-exempt organization.



The City Manager recommended that Council authorize the request of Kuumba Community Health & Wellness Center, Inc., to be exempt from real estate property taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia, effective January 1, 2006, for property described as Official Tax No. 2762101, located at 3716 Melrose Avenue, N. W., if the organization agrees to pay the subject service charge by that date.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37258-112105) AN ORDINANCE exempting from real estate taxation certain property of the Kuumba Community Health & Wellness Center, Inc., located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 80.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37258-112105. The motion was seconded by Council Member Cutler.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions and/or comments by Council, Ordinance No. 37258-112105 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN-COMMUNITY PLANNING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, November 21, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to amend Vision 2001-2020, the City's Comprehensive Plan, to include the Garden City Neighborhood Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 11, 2005.

The City Planning Commission submitted a written report advising that the Garden City neighborhood was annexed into the City of Roanoke in 1949; the area is bound by Mill Mountain and Riverland Road to the north, Yellow Mountain Road and the Blue Ridge Parkway to the west, and Roanoke County to the south and east; Garden City is a neighborhood geographically isolated from the rest of Roanoke as it lies in a valley between several mountains and is shielded from the City behind Mill Mountain; and staff noted the following issues in the Plan that need to be addressed:

#### Residential Development

- Controlling residential densities with appropriate zoning patterns.
- Appropriate development of vacant land.

#### Infrastructure

- Pedestrian access to Garden City Boulevard
- Traffic control at the intersection of Riverland Road/Bennington Street
- Flood prone properties
- Lack of public sewer service in some areas.

To address the above referenced issues, the Plan features the following priority recommendations:

- Change zoning patterns to better reflect the residential density patterns of the neighborhood and provide for a series of village center nodes along Garden City Boulevard.
- Preserve Mill Mountain, Roanoke Mountain, and other natural resources in the neighborhood.
- Storm Water Management
  - Complete the Capital Improvement Projects for the Garden City Flood Reduction Plan, which is the highest priority of the plan.
  - Complete the segment of the Roanoke River Flood Reduction Project between 9<sup>th</sup> Street, S. E. and the Wastewater Treatment Plant; and completion of this portion of the project should significantly reduce flooding along Garnard Branch and Gum Spring.
- Garden City Boulevard
  - Improve pedestrian access and design based on the following considerations:
  - Complete curb, gutter and sidewalk with lighting where physically feasible
  - Add bike lanes and/or a greenway route to connect the Mill Mountain Greenway to the Roanoke River Greenway

- Bennington and Riverland Road
  - Improve the intersection of Bennington Street and Riverland Road

The City Planning Commission recommended that Council approve the Garden City Neighborhood Plan for adoption as a component of Vision 2001-2020.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37259-112105) AN ORDINANCE approving the Garden City Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Garden City Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 70, page 82.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37259-112105. The motion was seconded by Council Member Cutler.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council, Ordinance No. 37259-112105 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Lea, McDaniel, Wishneff, Cutler and Mayor Harris-----7.

NAYS: None-----0.

ZONING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, November 21, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to amend the City Code to repeal Chapter 36.1 Zoning, and to adopt a new Zoning Ordinance, new Chapter 36.2, Zoning; and a proposal of the City of Roanoke to rezone all property in the City in order to implement new Chapter 36.2, Zoning, and Vision 2001-2020, the City's Comprehensive Plan, and to adopt new zoning maps, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, November 15, 2005.

The Mayor advised that the public hearing is the final or last step in what has been a long process; in July, 2002, a Citizens Steering Committee was appointed that consisted of a number of representatives of various boards and committees within the City and the community; the Citizens Committee worked from July 2002 until December, 2004, and devoted over 1500 hours to reviewing and deliberating the draft ordinance; approximately 39 work sessions were held to review over 1100 comments from the community; City staff conducted six open houses throughout the City, in addition to other meetings; and following a July 28 workshop, the City Planning Commission held 15 subsequent work sessions to address public comments on the proposed zoning ordinance. On behalf of the Council, the Mayor expressed appreciation to members of the Citizens Steering Committee, the City Planning Commission, citizens, and City staff, all of whom participated in the process of drafting a new zoning ordinance and zoning map for the City of Roanoke.

The Mayor stated that Council would not take official action this evening inasmuch as there were a number of unresolved issues, and tonight's session would involve citizen comments and concerns which would be referred to City staff for review and report to the Council. He noted that 52 persons had signed up to speak, each person would be allotted three minutes, however, if any person had written comments they would like to file with the City Clerk, their comments would be treated in the same manner as a verbal presentation.

The Mayor advised that the City Planning Commission has recommended adoption of new Chapter 36.2, Zoning, Code of the City of Roanoke (1979), as amended; and the rezoning of all property in the City in order to implement new Chapter 36.2, Zoning, and Vision 2001-2020, the City's Comprehensive Plan, as set forth on a map dated September 29, 2005.

(For full text, see reports on file in the City Clerk's Office.)

Council Member Dowe offered the following ordinance:

"AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by repealing Chapter 36.1, Zoning, consisting of §§36.1-1 through 36.1-730, and enacting Chapter 36.2, Zoning, consisting of §§36.2-1 through 36.2-840, and accompanying Appendices A, B, and C, such Chapter 36.2 being a comprehensive revision of the zoning regulations of the City; and dispensing with the second reading by title of this ordinance."

Council Member Dowe moved the adoption of the abovereferenced ordinance. The motion was seconded by Council Member Cutler.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the public hearing; whereupon, the following persons addressed the Council:

G. Michael Pace, Attorney, spoke on behalf of five persons who own properties near the Roanoke Regional Airport that will be affected by the proposed Airport Development District; i.e.: Geoffrey Ottaway, A & M Enterprises, Calvin and Mary C. Powers, and N & W Investments. He stated that A & M Enterprises is the owner of seven properties which are proposed to be included in the AD District, one of which is an unimproved property at the corner of Aviation Drive and Municipal Road, property located at 1304 Municipal Road, an eight acre undeveloped parcel of land at Precision Circle, property located at 5568 Airport Road, and three parcels of land on Airport Road, 5550, 5536, and Airport Road undesignated. He advised that the property owned by Calvin and Mary C. Powers is described as Official Tax No. 6640102; and property owned by N & W Investments is located at 1305 Municipal Road. He stated that all of the above referenced properties are currently zoned LM, Light Manufacturing District under the current zoning ordinance; and 29 uses are permitted by right under the current zoning ordinance, 22 of which are not allowed under the proposed AD District in the new zoning ordinance. He further stated that the Airport Development District had its origin in a provision of the City's Comprehensive Plan, Vision 2000-2020, which established a policy for regulating uses around the Airport, particularly for limiting those uses for Airport related purposes; his clients and other persons who will speak this evening who own property around the Airport do not believe that there is sufficient justification for creating a special zoning district for property at or near the Airport, and question the policy on which the special zoning is based. In addition, he advised that the proposed uses in the AD District are too restrictive; not allowing the type of positive economic development that is permitted at virtually every other airport in the country does not make sense; for example, why would the City not promote and recruit the type of commercial uses that are currently located at the Corporate Research Center at the Blacksburg Airport? He stated that the current version of the proposed AD District ordinance does not permit, by right, laboratories for testing and research such as Johnson and Johnson or the Egg Factory; the proposed ordinance does not allow for general or professional offices unless they consist of 20,000 square feet or more, with a special exception from the Board of Zoning Appeals; and if offices of that size are required, they are virtually undevelopable. He pointed out that the proposed ordinance does not permit an electrical component assembly plant for wholesale distribution, or a manufacturing facility to support the type of research and development that would be expected to be generated by institutions like the Carilion Biomedical Institute, or those that are to be included at the new Riverside Park; the proposed ordinance does not include educational facilities that train knowledge workers or employees for companies that economic development dollars are meant to attract and retain; the new ordinance does not permit government offices, although the Airport itself is a government facility; and the ordinance

specifically allows certain types of government uses. He added that the only uses that are permitted by right under the proposed AD District are hotels, motels and restaurants, but those types of facilities will not locate at the Airport because they prefer I-581 and Valley View Mall; and car rental businesses, truck terminals, distribution centers, community gardens, military reserve, National Guard, Post Office, police, fire and rescue, governmental type uses, limousine services, taxi cab businesses, utility substations, and Airport related uses, which is a nebulous and undefined term as yet, are inapplicable to properties at or near the Airport. He asked the following question: What problem is the City trying to solve? He advised that if the City's goal is to reserve large undeveloped tracts of land, or tracts of land that include buildings that are at the end of their useful lives for some future undesignated Airport related use, he would propose that the City or the Airport Commission purchase the land at its current fair market value before the land is significantly devalued by what will be a drastic down zoning; and if the answer is to promote positive economic development activities in and around the Airport, the proposed ordinance strikes out. He called attention to two things that are wrong with the proposed ordinance: first, the ordinance does not allow the owners of properties currently zoned LM to develop, or to redevelop their properties for almost all of the commercial uses that they can currently place on the properties; the proposed I-1, Light Industrial District, under the proposed ordinance most closely resembles the current LM, Light Manufacturing District, zoning designation; and including the properties in the proposed AD District is a drastic down zoning that will have a tremendous adverse impact on the properties. Second, he stated that the ordinance will eliminate any remaining opportunity to use the Airport to promote economic development; the ordinance as written will not reverse development trends that have occurred over the past 25 years for lack of prior planning; and the ordinance will enable undeveloped parcels of land to remain hay fields, because proposed uses are not applicable to those types of property and will ensure that the owners of the properties will not commit the necessary capital to redevelop the buildings for modern uses of the type that the City should recruit and retain. He advised that to address and to alleviate numerous concerns with regard to the proposed ordinance, an option would be to not adopt the AD District as proposed; however, it is believed that there is significant justification for the AD District, and, at a minimum, the City should allow certain commercial or light industrial uses. He called attention to previous correspondence that was forwarded to the Council suggesting additional uses that should be included in the AD District; and other correspondence regarding the properties owned by A & M Enterprises, N & W Investments, and Mr. and Mrs. Calvin Powers which include moving I-1, Light Industrial Uses, into the AD District, in order to treat the properties more like their current LM zoning; secondly, to change certain definitional issues so that certain ambiguities are eliminated and to eliminate or to reduce restrictions on office uses; and to remove some of the properties from the AD zoning map, the original version of which included fewer properties than are currently included and some are not near or at the Airport, or near enough to the Airport that they should be included in the AD District.

Finally, he stated that the Roanoke Regional Airport is a regional facility and represents one of the most significant economic development assets of the Roanoke Valley; therefore, the Airport should not be misused by limiting uses of a commercial nature that could add economically to the City of Roanoke and to the greater region, but instead the Airport should be used to promote and to encourage business, research development and technological advances in and around the Airport so that the Roanoke Valley will remain competitive with airports in cities of its size.

(See communications on file in the City Clerk's Office.)

Edward A. Natt, Attorney, representing Mr. and Mrs. Frank Hylton, owners of property fronting on Challenger Avenue, Official Tax Nos. 7130102 and 7130103, consisting of approximately 28-30 acres, advised that the property has been zoned commercial for over 30 years, and inquired as to the City's rationale for reclassifying the property to Residential Single Family, R-5, when it is one of the largest pieces of undeveloped property in the City of Roanoke, fronting on a road that has as much, if not more, traffic volume than any other roadway in the City to allow for multi-family zoning. He stated that it does not make sense to provide access off of Daleton Boulevard, which is the property that extends to the rear; and approximately 170 residences generating about 850 vehicle trips per day on Daleton Boulevard cannot be accommodated, in addition to the volume of traffic that is generated by current residences of Daleton Boulevard. Secondly, he stated that the property is currently zoned commercial and there is no reason to change the zoning; therefore, the Hylton family requests that the property continue to be zoned commercial under the new zoning ordinance.

Mr. Natt addressed the concerns of PDJ Associates, owner of property proposed to be included in the proposed Airport Development District. He explained that the property is a developed parcel of land that is approaching the middle of its useful economic life, it is basically rental property, and if limitations are placed on the property, his client will be required to go through the matrix to special exceptions through the Board of Zoning Appeals because permitted uses today will be taken away under the proposed zoning. He stated that there are numerous uses in the Airport Development District for economic development which should be taken out of the special exception category and placed back in permitted uses by right. He spoke specifically to the 20,000 square foot office use limitation and advised that it would be difficult to find a client who desires 20,000 square feet of office space, and the property owner could not afford to break the property down into smaller components; therefore, the limitation for 20,000 square feet should be significantly reduced to 5,000 or 10,000 square feet if there is to be any type of limitation for the benefit of small companies that would like office space in close proximity to the Airport.

Mr. F. B. Webster Day, 1365 Hidden View Road, S. W., representing approximately 37 residents in the area of Hidden View Road near Sewell Lane, S. W., spoke specifically to property described as Official Tax No. 1360137, which is vacant property owned by the City of Roanoke that is, in effect, a neighborhood park or open space. He advised that under the proposed zoning, the property would be classified Resident Single-Family District, R-12, and referred to a petition signed by 37 persons requesting that the parcel of land be designated ROS, Recreation and Open Space District, in order to preserve the character of the neighborhood and to make it more difficult for a future Council to sell the property for development purposes.

Mr. Donald L. Hiemstra, 1506 Edmund Avenue, N. E., advised that his property is described as Official Tax Nos. 3210621 - 3210625, inclusive, and is currently zoned Light Manufacturing District. He requested that the lots be zoned Residential Mixed Density District, RM1, in order to enable the property to retain its existing residential use and afford the ability to expand his residence.

Beth Doughty, Executive Director, Roanoke Regional Chamber of Commerce, advised that business represents more than 50 per cent of total local revenue to the City of Roanoke, or about \$80 million in real money; in addition, business creates revenue from sales tax, food preparation tax, and business license tax, for another approximately \$40 million. Therefore, she advised that when the City hears from representatives of business, particularly those presenting concerns regarding the proposed Airport Development District, and representatives of Williamson Road businesses and the Roanoke Valley Home Builders Association and others, it is hoped that Council will take their specific concerns to heart as it relates to the future of the City of Roanoke because any unnecessary barriers and burdens on the ability of businesses to operate and to be creative in the future will harm the City's tax base and reduce much needed revenue. She added that the Chamber of Commerce is also concerned about the Airport Development District, about commercial sign portions of the proposed zoning ordinance, about CN zoning along Williamson Road, and other specific and excessive regulations pertaining to utilities, landscaping and planning documents. She advised that the Chamber supports the overall need to update the City's zoning ordinance, the Chamber of Commerce submitted comments more than a year ago on several components of the plan that members believed would place unnecessary burdens on business and was harmful to Roanoke's competitive position, some of which were addressed and some were not in the proposed zoning ordinance. She asked that Council take into consideration the concerns of business and how the proposed new zoning ordinance could affect Roanoke's future.



Dennis Cronk, representing A & M Enterprises and Hylton, Reed & Saker, advised that creating a new comprehensive zoning ordinance for the entire City of Roanoke is a monumental task, public input is important, and it is hoped that Council will carefully consider all public input. He stated that the financial impact to the City of Roanoke and to private property owners can be substantial and an effective economic development program is dependent on a quality land use plan and a business-friendly zoning ordinance. He addressed the proposed Airport Development District and advised that with a stated purpose to permit and to encourage development of uses dependent on or related to air transportation in and around the Airport, the Airport Development designation, as written, severely restricts how properties can be developed or redeveloped which constitutes a form of down zoning, drastically reduces property values and creates an approach that is inconsistent with how other properties have been treated in the overall comprehensive rezoning process. He stated that currently, a number of properties within the identified Airport Development District are ready for development and/or redevelopment due to their age and condition of the properties; and the purpose of the Airport Development classification severely limits the rights of property owners to identify future uses that will make productive use of their land and improvements. He advised that should the City of Roanoke or the Roanoke Regional Airport Commission deem it necessary to protect or to control land adjacent to the Airport, they should purchase the properties at a fair market value. He urged Council to consider eliminating the Airport Development District classification because permitted uses are too restrictive by limiting the use of properties to those uses that are, in large part, neither realistic nor feasible and will drastically reduce property values and severely hamper economic development efforts.

Mr. Cronk also referred to the Hylton property located on Route 460 which was previously addressed by Attorney Ed Natt and advised that from an economic development standpoint, it is important that the property be developed properly through sound planning. He stated that the land is a prime commercial property in the City of Roanoke; traffic issues can be addressed by VDOT and/or the City's Traffic Engineer, and the proposed classification would down zone the property and affect marketability of the property to potential developers. He added that if the property is zoned residential, it would be difficult to find a developer who would be willing to take a large residential property and turn it into commercial development due to the time and delays involved.

Paul Nordt, CEO and one of the owners of the John C. Nordt Company, 1420 Coulter Drive, N. W., addressed concerns with regard to the Airport Development District. He stated that the new zoning ordinance will have a detrimental effect on his business; until 25 years ago, the John C. Nordt Company was located in New Jersey; when there was a need to expand due to growth, the City of Roanoke contacted and recruited his company to relocate to Roanoke and promoted the current site which would provide manufacturing operation access to the Roanoke Regional Airport; and, in response to the City's

invitation, the business has been relocated to Roanoke where substantial sums of money has been invested in constructing a facility that was designed specifically for manufacturing. He stated that the company employs about 135 skilled workers, specializing in jewelry and industrial precious metal parts that are shipped all over the country, the proceeds from which generate funds that are returned to the Roanoke Valley and contribute to the local economy. He called attention to the challenges of operating a manufacturing company in the United States as they compete with off shore manufacturers, while attempting to remain agile and flexible and reacting quickly to changes and environments; therefore, restrictions under the Airport Development District will be detrimental to the flexibility of his business. He asked that the flexibility that is afforded to his business under the current Light Manufacturing District zoning classification not be taken away and specifically, that the property occupied by the John C. Nordt Company be classified in the Industrial District, I-1, category, or a similar zoning classification.

Donald Wetherington, Attorney, representing the John C. Nordt Company, advised that he represented the Company in the late 1970's when the business made the decision to relocate to Roanoke on the representation of City officials. He stated that the Airport Development District would undo an important part of what brought the John C. Nordt Company to Roanoke in the 1970's, which was an opportunity to construct a state-of-the-art manufacturing facility on Coulter Drive, which now contains in excess of 45,000 square feet of floor space on seven and one-half acres of land. He advised that since inception of the subdivision of the Coulter property, the land has been zoned manufacturing and to take away so many of the permitted uses and the versatility that was available to his client under a manufacturing classification minimizes the value of the Company and disrupts the very reason that the John C. Nordt Company made the decision to relocate to Roanoke. He stated that his second concern relates to the fact that the property is clearly a manufacturing facility; in March 2004, when it became apparent that the property would be slated for inclusion in the AD District, he visited with City Planning staff who understood that the property was a manufacturing facility, and until about two and one-half months ago, it was the understanding of his client that the property was designated as Industrial District, I-1, instead of Airport Development District; therefore, the easiest way to meet the needs of his client is to reclassify the property as Industrial District, I-1.

Paul Black, representing Branch Bank and Trust Company (BB&T), owner of three parcels of land on Coulter Drive, Official Tax Nos. 6630109-6630111, inclusive, reiterated the remarks of Mr. Pace and Mr. Cronk regarding concerns of property owners in the area of the proposed Airport Development District. He advised that BB&T presently operates an operation center, call center, training center, and offices located on Coulter Drive; BB&T has identified the abovereferenced tracts of land as potentially significant for its northern geographic footprint in the City of Roanoke which extends from the North Carolina line all the way north to Maryland. He stated that while the property

has the potential for expansion and creation of jobs, no definitive plans have been made for the site, however, proposed inclusion of the land in the Airport Development District severely restricts any potential for future development. He pointed out that no studies were conducted, nor was the proposed AD District modeled after another locality with a similar Airport Development District, but was created by the City's Zoning and Planning staff. Therefore, he suggested that the Airport Development District not be enacted, and requested that the abovereferenced property owned by BB&T be withdrawn and reclassified as I-1, Industrial District.

Mr. Sam Lionberger advised that his family owns and operates a facility at 3710 Tom Andrews Road, N. W., which is currently known as the Ice Station. Speaking as an individual with a major commitment to the success of Airport property, he expressed concern that the proposed Airport Development District zoning is too restrictive. He stated that it is unfortunately a fact that the Airport is not growing as it should, however, he asked that the City not take a step back by placing further restrictions on those businesses that are located at the Airport. He further stated that to enact the AD District zoning would cause devaluation of numerous Airport properties; when the property on Tom Andrews Road was purchased, the Lionberger family made the decision to purchase the more expensive land and to construct a generic type building in the event that the structure might be changed; and currently those uses as proposed are being severely restricted, which, in effect, will devalue the property. He spoke in support of I-1 zoning for the Airport, and advised that he would be willing to work with the Council and the City Planning Commission to reach a solution that enhances and does not inhibit the opportunity for Roanoke to have an Airport that will grow and prosper.

Eva Hughes, representing Loudon Avenue Christian Church, advised that in 2002, Trustees of Loudon Avenue Christian Church purchased three houses adjacent to the existing church structure; the houses were razed and leveled off with future plans to be used as a parking lot; and due to an increasing congregation, off street parking is now a necessity. She stated that the land on which the church is currently located is proposed to be zoned Institutional District, IN, under the proposed new zoning ordinance; however, the third lot is proposed to be zoned RM-2, Residential Mixed Density District; whereupon, she requested that the third lot also be designated Institutional zoning to conform with the other two lots.

Lucy Ellett, representing Valley Beautiful Foundation, a group whose purpose is the beautification of the Roanoke Valley, advised that Valley Beautiful has, for many years, advocated stronger tree ordinances for the City of Roanoke; therefore, the organization endorses the proposed new landscaping requirements which include tree canopy preservation requirements, and requirements for plantings in parking lots and along the perimeter of parking areas, façade plantings in residential areas, and other requirements. She added that over time, these strengthened regulations will make a huge difference in

the appearance of all areas of the City; and Valley Beautiful also endorses efforts to strengthen the sign ordinance as applied to both free mounted signage and building mounted signage and the prohibition of certain types of signs. She stated that well thought out signage requirements will help in the future to prevent jumbles of signs along major thoroughfares and entrances to the City; Valley Beautiful commends the recommendation regarding outdoor lighting which will help control glare spillover and light pollution by controlling aiming angles and location of outdoor lighting; and the requirement for placing utility lines underground in new developments is a welcome step toward improving community appearance. She added that representatives of Valley Beautiful have participated in neighborhood meetings and in City Planning Commission hearings regarding the ordinances, and agree that they will move the City toward more attractive neighborhoods and business areas, which, in turn, will boost economic development and quality of life in the Roanoke area.

Mr. William D. Bestpitch, 381 Washington Avenue, S. W., requested further consideration of regulations regarding the placement and maximum heights of fences on corner lots with two or more street frontages in residential zoning districts, as contained in the standards proposed in Section 36.2-410(b) Fences and Walls, of the proposed Zoning Ordinance. He stated that the proposed regulations do not recognize the difference between the appropriate heights for fences when dealing with principle front yards (which abut the primary entrance to a residence) and the yard which abuts a side elevation of a residence adjacent to the other street frontage. He added that fence heights should be allowed to be up to six feet in those areas between the building line and the street frontage when the frontage does not abut the primary entrance to the residence; therefore, he requested the favorable consideration of Council.

Bob Flynn, representing the Roanoke Regional Home Builders Association, and Chair of the Governmental Affairs Committee, advised that the Home Builders Association has a unique point of view regarding the zoning ordinance because the Association deals with every aspect of the document; therefore, it is very important that the ordinance be relatively easy to understand, to implement and to utilize. He stated that many of the components of the ordinance have been improved; however, there is a concern that the document remains significantly more complicated than the existing zoning ordinance and will restrict the ability of the business community to be creative. He explained that if one of the primary goals of the City is to promote development and growth, the Home Builders Association believes that the proposed ordinance does just the opposite in that it is an extremely complicated maze of regulations and restrictions which will consume an inordinate amount of time and money to comply, even at the concept plan level. With regard to particulars, he stated that the concerns of the Home Builders Association lie primarily with new landscape and submittal requirements which are so extreme in their reach and complexity that property owners are basically left with few choices regarding how to landscape their property; many of the submittal

requirements for basic and comprehensive development plans have little to do with actual building or development of property and are mostly informational in nature and should not be included on construction drawings, but submitted in text format and addenda, and many of the items required are currently available in public records. He added that a primary concern is that certain issues may arise that the ordinance cannot anticipate, and valuable parcels of land will emerge as not developable and such issues will invariably create conflicts that need to be resolved. He stated that the Board of Zoning Appeals was originally created to handle such matters, however, the Board's hands are tied by State Code and recent court decisions; therefore, it is requested that an administrative mechanism be created by which users of the ordinance may seek flexibility and compromise which can be addressed by creation of a committee within the Department of Planning, Building and Development that would be charged with the responsibility to hear cases submitted by land owners and developers who are having difficulty with implementing the ordinance. He explained that this approach would allow all affected parties to work together to reach a compromise; the committee would be composed of members of City staff, design professionals and members of the development and building community; the committee would also be empowered to create amendments to the ordinance that could quickly move through the approval process; the composition, duties and powers of the committee would be defined within the ordinance under Article 8; and the committee would greatly facilitate implementation of the zoning ordinance in years to come.

Wayne Dunman, Secretary, Church Board, First Church of the Nazarene, advised that the Church is in the process of acquiring and owns land containing less than one acre, more or less, located in the 600-800 blocks of Highland Avenue, S. E., Official Tax Nos. 4122510, 4122511, 4122512, 4122514, 4122515 and 4021836, which is currently zoned RM-1, and under the proposed zoning ordinance the property would be rezoned to Residential Multifamily District, RMF. He requested that the property be zoned Institutional District, rather than Residential Multi Family District, in order to be consistent with the intended use of the property and to further the intent and purpose of the Zoning Ordinance and the City's Comprehensive Plan.

Mr. John Gross, 936 Lee Lane, Fincastle, Virginia, spoke in support of provisions in the proposed zoning ordinance with regard to outdoor lighting. He requested a minor modification to Section 36.2-625(a)(3) with regard to shielded lighting which directs light toward the ground, by requiring that shielded lighting be turned up 45 degrees from the horizontal to allow a certain amount of light to be directed upward and some light will also spill over to adjacent property.

Ms. Alice Hincker, 4042 South Lake Drive, S. W., spoke with regard to a concern relating to the Greater Deyerle Neighborhood Plan which was adopted by Council and became a part of the City's Comprehensive Plan in 1990, but has not been used as a decision making tool relative to residential development

in the Greater Deyerle neighborhood. She stated that the Neighborhood Plan identifies specific neighborhood values and goals; i.e.: to maintain the existing residential character of the neighborhood; and many residents have multiple acre lots, with a typical lot consisting of one-half to one acre, thereby encouraging residential development which meets the neighborhood's goals, especially as it relates to open space and storm water management, and recreation and parks. She further stated that the neighborhood encourages the provision and protection of open space in new development and walking and jogging trails; and the Neighborhood Plan also refers to maintaining open space and protecting lakes and creeks in the floodplains. She read the following sentence from the Greater Deyerle Neighborhood Plan: "The Greater Deyerle neighborhood prides itself in its pastoral rural character with numerous lakes and abundant green space". She stated that four of the pastures and fields that are within one half mile of each other are now developed, and can hold up to 42 homes; 12 homes have been constructed on one of the streets, ten of which have been constructed on lots that are smaller than one-half acre, which is the typical size; and when it rains, water floods the property across the creek making the barn practically unusable. She added that Spring Valley Lake has 15 lots, and is composed of 36 acres under current zoning; the City could permit as many as 100 homes, and with one-half acre lots, there could be as many as 70 houses; and the proposed zoning ordinance will reduce the minimum lot area, therefore, the development trend will continue until the City of Roanoke uses the Greater Deyerle Neighborhood Plan as a guide to its decision making, or until the neighborhood runs out of land. She acknowledged that the City's Comprehensive Plan states that environmental elements of quality of life are critical amenities; and the Greater Deyerle Neighborhood Plan calls for maintaining open space and protecting and enhancing lakes, creeks, and floodplains. She expressed appreciation for the decision by Council to postpone action on the ordinance which will allow time to meet with City staff and to reach a consensus on how the City Code can be adjusted so that future decisions will be based on what is in the best interests of the neighborhood based on how the Greater Deyerle neighborhood defines the issue in the Greater Deyerle Neighborhood Plan.

Ms. Jo Wilson, 4107 Lake Drive, S. W., referred to a petition that was submitted to Council in 1995 with regard to issues associated with high density development downstream in the Greater Deyerle neighborhood. She stated that ten years ago, Timberlake Dam collapsed, two lives were lost, there was a huge economic impact, and no one was held liable because it was considered to be an act of God; whereupon, she inquired if it will take another tragedy to rethink the issue of high density development downstream. She stated that the Greater Deyerle area is located in an inundation zone, the State is reviewing policy regarding inundation zones, and requested that Council impose certain restrictions on development in the inundation zone.

Ms. Lisa Farthing, 4023 Lake Drive, S. W., spoke on behalf of residents of the Greater Deyerle neighborhood and requested that there be special considerations both above and below the dam. She advised that Spring Valley was built in 1960, the area was annexed to the City in 1977, it is a private area without water and sewer service or street lights, and residents fund the paving of roads and snow removal; however, the private road is an asset to the City of Roanoke not only for walking, biking and jogging, but building restrictions that apply to the private road provide the only measure currently in place to prevent high density development around the lake. She stated that protective building restrictions are needed for the area above the lake as well as below the lake; and in the drainage area of over 600 acres, the two lakes act as a retention basin for holding and providing flood storage which reduces the peak flow down stream from Cravins Creek and the Roanoke River. She stated that if floodplains require ordinances to reduce future development of dams, similar ordinances pertaining to the watershed above the dams should be demanded; capacity of the dams is defined as the water volume capacity impounded at the top of the dam; and if new impervious structures continue to multiply, the amount of water run off in the drainage area retention ponds will reach a capacity beyond the capacity of the dam itself. She asked that the City review and adopt procedures that would provide protective restrictions for the dam area.

Mr. Mike Najari, 90 Ferrum Forest Lane, Ferrum, Virginia, advised that he purchased property located at the corner of Elm Avenue, S. E., Official Tax Nos. 4020412 and 4020413, approximately two years ago when the property was zoned C-2, General Commercial District; however, under the proposed new zoning ordinance, the property will be zoned residential. He stated that he would prefer that the property continue to be zoned commercial, but if not, the site would be a good location for police, fire and emergency response facilities in view of its close proximity to I-581, or the land could be used by the City for green space.

Ms. Sheila J. Wright, 3951 Hershberger Road, N. W., referred to property she recently purchased located at 1314 Orange Avenue, N. W., Official Tax No. 2221905. She advised that the area presently consists of duplexes, converted residential homes that have been turned into duplexes, some of which are now boarded up and vacant. She stated that the proposed RM, Residential District zoning, is not a good classification for the neighborhood because businesses should be established in the area for economic development purposes and to raise property values.

Gene McGuire, Vice President, Berglund Chevrolet, advised that as the owner of several pieces of property along Williamson Road, Berglund Chevrolet has a vested interest in the matter. He questioned the rationale for the selection of certain of their properties to be zoned CG and CN, Commercial Districts, and referred to several lots on the south side of Noble Avenue, N. E., that were originally shown to be zoned CG and were subsequently changed to

CN without discussion with representatives of Berglund Chevrolet; other Berglund properties where CN has been arbitrarily assigned are the Towne Motel property across from Avendale Avenue and properties on the south side of Plantation Road at the intersection of Liberty Road. He requested that the zoning ordinance and zoning map be referred back to City staff to achieve a true consensus with owners of the properties and to use sound reasoning in the selection of CN and CG zoning of properties.

The Mayor referred to a communication from Greg Apostolou, President, Edmund H. Armentrout, Chair of the Zoning Committee, and Linda Plunkett, Executive Director, Williamson Road Area Business Association, advising that the problem with the proposed Zoning Ordinance is that City staff has set up the ordinance so that if one supports Commercial-General, CG, zoning, one must accommodate many more restrictions on how their property is developed, such as increased landscaping requirements, special exception zoning for many previously allowed uses, increased set backs from adjoining uses and more restrictions on parking. It was noted that if one supports Commercial-Neighborhood zoning, one has fewer restrictions on how one can develop their property, but the uses allowed are greatly diminished, so the trade-off is to take fewer development restrictions with fewer allowable uses, or to take more restrictions on development with more allowable uses. It was advised that in response to this unacceptable situation, the Williamson Road Area Business Association Board of Directors unanimously recommends the following:

1. The proposed zoning ordinance should be modified to allow for a new zoning category: Commercial - Williamson Road (CW)
2. In addition to rezoning all parcels of land on Williamson Road, which are currently proposed for CG or CN zoning as CW, two special nodes are identified for redevelopment; i.e.: the area around Williamson Road (CW)
3. WRABA supports Commercial-Large Site District (CLS) zoning for selected parcels of land on Williamson Road, such as Berglund Chevrolet and Civic Mall.

They advised that in the absence of a special zoning district for Williamson Road, the Williamson Road Area Business Association cannot support the proposed Zoning Ordinance.

Bill Tanger, representing the Roanoke Business Group, advised that there are numerous positive aspects to the proposed new zoning ordinance; i.e.: better tree coverage, a river and creek overlay; however, there are problems with regard to commercial activity/business activity, one being the CN, Commercial Districts designation and the other being the Airport Development District designation. He stated that neither City staff nor the City Planning Commission have enough of an understanding of business needs as it relates to



the CN District. He called attention to various problems associated with CG zoning which is similar to C-1 zoning under the current zoning ordinance; and CN zoning was not requested by the Williamson Road business community inasmuch as the proposed CN zoning will hurt commercial growth. Therefore, he requested that the CN zoning designation be given further review by City staff.

R. Craig Balzer and Kip Foster, representing Grandin Court Baptist Church, advised that the rezoning of Grandin Court Baptist Church excluded the following properties:

- Official Tax No. 1561028- new construction pending
- Official Tax No. 1561301 - Mission House
- Official Tax No. 1561315 - parking behind the Church
- Official Tax No. 1561317 - parking behind the Church
- Official Tax No. 1561002 - parking across the street from the Church

They stated that the above referenced property should be included as Church property and considered IN, Institutional District; and Grandin Court Baptist Church is currently working with Balzer and Associates to expand the Church facility using one of the properties for new construction, therefore, they requested that IN zoning be applied to all Church property prior to adoption of the new Zoning Ordinance and Zoning Map.

Chip Dicks, representing the Outdoor Advertising Association, advised that the City used an outstanding public input process that involved citizens, the City Planning Commission and City staff who are to be commended for their work on the new Zoning Ordinance and Zoning Map. On behalf of the Outdoor Advertising Association, he commended City staff and the City Planning Commission for addressing many of their concerns; however, he spoke to the three classifications of Commercial Districts, CN, CG and CLS. He stated that the Advertising Association understands why billboards are excluded from the CN district as a permitted use because Commercial General District is the "catch all" of commercial districts; however, his primary focus relates to the commercial large scale district and the reason why billboards are not a permitted use in the district which includes large parking areas and outdoor display of merchandise. He stated that current billboards will automatically become non-conforming uses with legal ramifications and requested that billboards be a permitted use in the CLS District as well as the CG District.

Mr. Bob Crawford, part owner of The Oakes on Thirlane Road adjacent to Roanoke Regional Airport, spoke with regard to the Airport Development District which was overly restrictive in its first draft version. He stated that the second draft was an improved version and demonstrated a clear effort on the part of the City Planning Commission to thoroughly address the issues and most of the needed changes inasmuch as there are far fewer restrictions in the second draft.

Mr. Pete Johnson, 1830 Arlington Road, S. W., expressed appreciation for community gardens and community markets that are permitted in the proposed new zoning ordinance. He stated that local food systems will become more important as energy costs increase. He encouraged Council to adopt the proposed new zoning ordinance and, more specifically, that position of the ordinance that pertains to a one acre tract of land that he owns on Grandin Road, S. W.

Kevin Earl, 529 Day Avenue, S. W., representing Old Southwest, Incorporated, expressed personal support and the support of the Old Southwest neighborhood with regard to the proposed new zoning ordinance which recognizes the unique development in Old Southwest.

Ms. Barbara N. Duerk, 2607 Rosalind Avenue, S. W., expressed appreciation to the City Planning Commission and to City Planning staff for the untold number of hours that they devoted to the new zoning ordinance. She addressed the importance of a new zoning ordinance to implement the City's Comprehensive Plan, and referred to the Second Economic Summit which was sponsored by the Roanoke Valley Regional Chamber of Commerce in which it was noted that green space/open space is important to the economic vitality of the community. Therefore, she expressed concern that the zoning of most parks adjacent to schools in the new Zoning Ordinance have been included in the Institutional Planned Unit Development District and suggested that the correct zoning for Roanoke's existing parks should be Recreation and Open Space District, ROS. She stated that if economic development is desired in the City of Roanoke, more of the color green should show on the City's zoning map by classifying existing parks as Recreation and Open Space District.

Mr. Robert N. Richert, 415 Allison Avenue, S. W., spoke as a representative of Old Southwest, and advised that adoption of a new zoning ordinance map will go a long way to encourage and to protect those citizens who wish to live in the City of Roanoke. He spoke with regard to concerns relating to town houses and row houses in the Residential Mixed Density District, RM-1, which should be 3500 square feet per unit, consistent with duplexes in the same district.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., raised a question with regard to the Gainsboro Neighborhood Plan; i.e.: the area of Fairfax Avenue and Fifth Street which was designated as a play area, and the Henry Street area which was designated as a village center. She stated that Gainsboro residents paid close attention to the process to ensure that the above referenced areas were included on the zoning map, but at some point during the process, the play area/village center concept was changed. She asked that Council pay close attention to those changes that have taken place during the zoning process and specifically to those in the Gainsboro neighborhood.

Mr. Tony Hairston, 1263 Tayloe Avenue, S. E., reiterated the comments of Ms. Bethel and stated that most of the changes in the Zoning Ordinance have occurred in the African-American community. He also referred to instances when the African-American community has been excluded from programs and/or projects that would benefit those persons living in the area, and stated that if Roanoke is to be a great city, the voices of all of its citizens should be taken seriously.

Mr. Robert Young, spoke with regard to property located at 210 Carver Avenue, N. E., which is proposed to be zoned Downtown District, D. He stated that the property is not located in the downtown area and therefore requested that Commercial zoning be applied to the property under the new zoning ordinance because commercial zoning is not as restrictive as downtown zoning. He also referred to property located in the 13<sup>th</sup> Street/Jamison Avenue, S. E., area that is currently zoned residential and requested that the property be zoned Commercial.

Liz Belcher, Roanoke Valley Greenway Coordinator, expressed appreciation for all of the effort that went into the new zoning ordinance, particularly inclusion of the floodplain and the River and Creek Corridors Overlay District and tree protection regulations. She stated that greenways are included as an allowed use in the River and Creek Corridors Overlay District, and requested that greenways also be included as an allowed use in the Floodplain Overlay District, which includes parks, picnic areas, and hiking trails. She referred to the remarks of a previous speaker that some of the City's parks are proposed to be zoned Institutional Planned Unit Development District instead of Recreation and Open Space District (ROS); there are several greenways in City parks that are not zoned ROS, such as Shrine Hill Park, the wooded area behind Patrick Henry High School between the track and the Shenandoah Life Insurance Company building, a section of Fishburn Park between the service road to James Madison Middle School and the park, a parcel of land behind Washington Park and Brown Robertson Park, and in downtown Roanoke. She called attention to greenways that were included in parks to provide the highest level of protection and expressed concern that greenways are not included as a category in the matrix; the category of parks is included, parks are allowed in five of the 21 districts, and greenways should be allowed in all of the districts, because greenways go through industrial and residential areas. She requested that greenways be added to the matrix as a permitted use in all districts.

Mr. Robert Howard, 4310 Cravens Creek Road, S. W., expressed concern with regard to over development in the Greater Deyerle neighborhood, and requested that the Recreation and Open Space District apply to the Spring Valley Lake area. He called attention to flooding issues and stated that restrictions along the floodplain are appropriate until a permanent solution can be found to address the issue.

Mr. John Bradshaw, 3132 Burnleigh Road, S. W., advised that those persons who have been involved in the zoning process over the past three years have tried to reach a good balance between economic development, residential usage, beautification, quality of life, and all other aspects that the citizens of Roanoke revealed to the steering committee. He urged Council to stay as close as possible to the document as submitted by the City Planning Commission and not rezone small parcels of land simply because an individual makes a request of the Council. He asked that Council not broaden the requirements relating to billboards unless and until more study has been given to the issue and spoke in support of tree disturbance requirements.

There being no further speakers, the Mayor declared the public hearing closed. He expressed appreciation to all speakers and again advised that no action would be taken by the Council this evening, and all questions, comments, and concerns would be referred to City staff for response.

Members of Council expressed appreciation to the Citizens Steering Committee, the City Planning Commission and City staff for their work on the proposed new zoning ordinance and zoning map.

Without objection by Council, the Mayor advised that ordinances enacting Chapter 36.2, Zoning, being a comprehensive revision of the City's zoning regulations and adopting a new zoning map would be tabled until the next regular meeting of Council on Monday, December 5, 2005, at 2:00 p.m.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

POLICE DEPARTMENT-SEGREGATION/INTEGRATION: Mr. Tony Hairston, 1263 Tayloe Avenue, S. E., spoke with regard to alleged police brutality and racial profiling. He stated that an example of racial profiling occurs when a police officer singles out a person because of a scarf, or a headband that the person is wearing, specifically if the person is of African or African American decent. He expressed concern with regard to the way in which police officers carry out their jobs and an overall concern for living conditions in the City of Roanoke. He advised that he has personally experienced job discrimination and community discrimination. He stated that Roanoke's high schools are not up to date, text books are not current, some children come to school hungry and changes need to be made in the City of Roanoke.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium, and suggested establishment of a Victory Stadium Hall of Fame to recognize prominent persons who have played football at the facility and to provide a history of the stadium for present and future generations of Roanokers. He stated that according to the agreement with the Norfolk and Western Railway, who donated the property to the City of Roanoke, the land cannot be used for any purpose other than for a stadium, armory and sports complex. He advised that consultants have reported that Victory Stadium is structurally sound, therefore, he suggested that \$5 million be set aside for renovation of Victory Stadium which is an historic landmark and was constructed as a memorial to World War II veterans. He also suggested that the two high schools could use Victory Stadium, or a smaller stadium could be constructed at William Fleming High School.

COMPLAINTS: Mr. Robert E. Gravely, 727 29<sup>th</sup> Street, N. W., advised that Council's first responsibility is to the City's neighborhoods and then to the City's workforce. He stated the mail of Council Members is being tampered with by City staff, therefore, Council does not know everything that is going on in the City of Roanoke. He stated that the City needs to do a better job of marketing itself in order to attract more citizens and businesses by providing jobs that pay well which, in turn, will boost the City's economic growth. He further stated that City employees are also citizens and consumers and should receive fair wages for the work they do; more manpower is needed to address the maintenance needs of City facilities; and City workers are being misused and leaving their jobs which affects the City's growth and prosperity.

There being no further business, the Mayor declared the meeting adjourned at 9:50 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

C. Nelson Harris  
Mayor

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